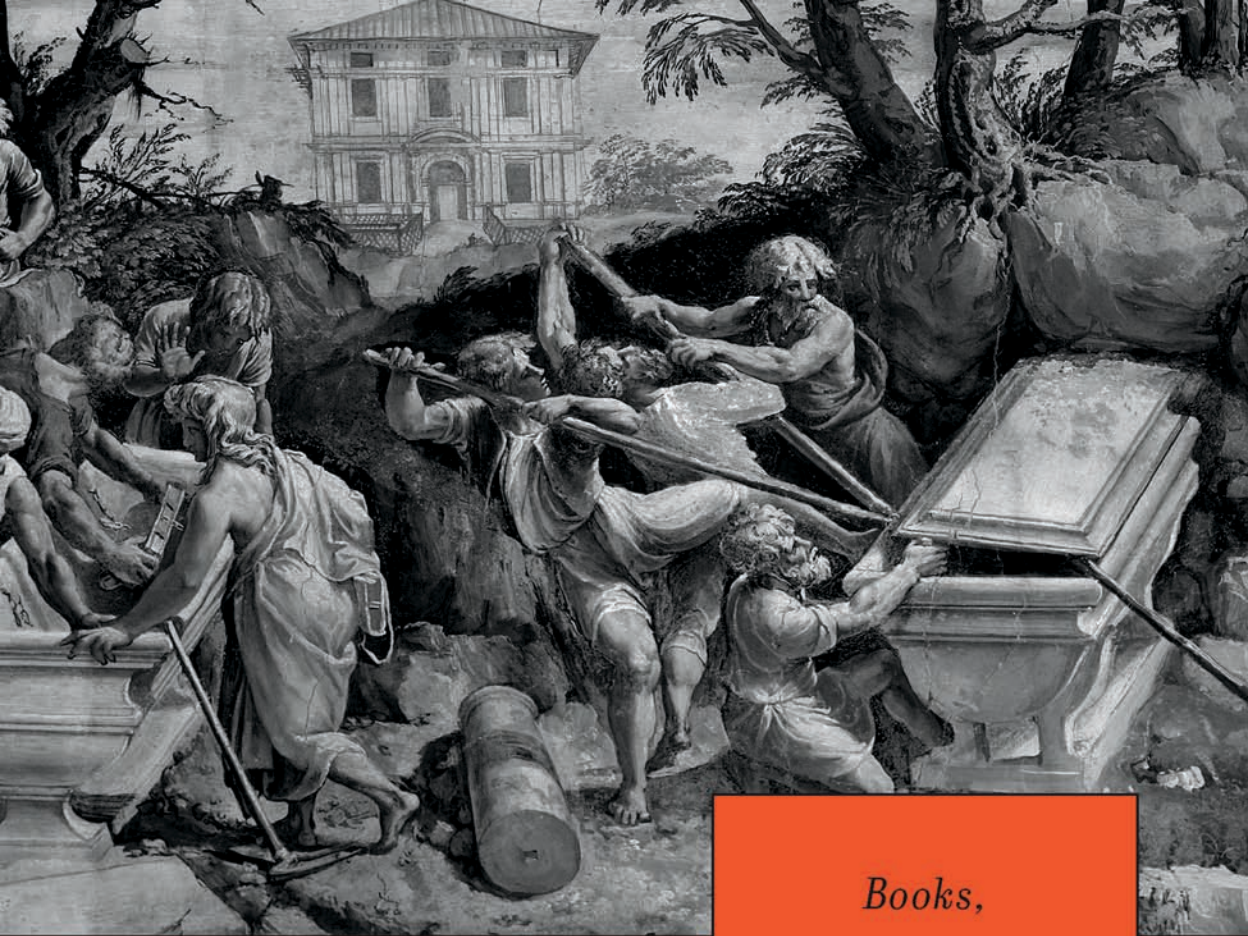




*Books,
Gods, and
Rituals in
Roman Culture*

Legible Religion

DUNCAN MACRAE

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LEGIBLE RELIGION



Books, Gods, and Rituals in Roman Culture

DUNCAN MACRAE



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For my parents

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Legible Religion

Introduction

The Books of Numa

IN HIS VEHEMENT ATTACK against Roman paganism in the *City of God*, the Christian bishop Augustine saves his most intense polemic for the authoritative books on Roman religion by the great Roman scholar Varro. At the climax of his rhetorical onslaught, he fastens onto an account by Varro, written in the first century BCE, of an event that had happened in Rome several generations earlier still.¹ In 181 BCE, a ploughman working a field at the foot of the Janiculum hill had unearthed a set of books buried near the tomb of the legendary Roman king Numa. The farmer dutifully brought the books to the praetor, who was horrified by the contents: an esoteric text on theology composed by the very king who had reputedly introduced the worship of the gods to the city.² On the command of the Senate, the books were burnt in an *auto-da-fé* in the Roman Forum. Despite the Senate's pious intentions, the destruction of the books—and their consequent illegibility—became fuel for Augustine's apologetic rhetoric. Varro's story plays perfectly into his argument about the falsity of the Roman gods. Why else would the Senate burn the books of Numa? Augustine denies Varro's idea that these books contained a philosophically rational basis for Roman religion—the Roman author had apparently advanced this theory of the contents of the books to support his own intellectual justifications for Roman worship of the gods. Instead, the Christian bishop claims that they must have revealed the truth about those so-called gods—that they were demons and long-dead men—and so condemned traditional Roman cult.

Alongside his central attack on the false worship of the Roman gods, Augustine uses the incident to raise the problem of books and religious knowledge in Rome. He prepares the reader of the *City of God* for this question with an apparent digression on the Jewish people in the chapters immediately before his discussion of the buried books.³ Even before the Incarnation, the Jews, he explains, were able to have true knowledge of God through the Scriptures and their commandments for His worship. The Romans, on the other hand, were denied this scriptural access to the truth and were deceived by demonic illusions. As part of this contrast, Augustine carefully figures the books discovered by the ploughman as holy objects: Numa, he writes, was afraid to burn them and so merely buried them; and he calls the Senate's public incineration of the books a "sacrifice."⁴ For his readers, the connotation of these actions—that the books of Numa constituted a would-be Roman Bible—would have been clear: a little more than a century earlier, Diocletian's Great Persecution had forced Christians to watch the burning of their own scriptures. With the books of Numa in ashes on the Forum pavement, however, there would be no scripture for Rome.

Augustine, however, pushes his argument a little further, returning to the text that is the central object of his polemic in the sixth and seventh books of the *City of God*—Varro's *Divine Antiquities*:

What is it to me if Varro revealed some other causes, allegedly derived from nature, for those Roman rites? If those books [of Numa] contained that sort of thing, they would not have burnt them, or the senators would have similarly burnt those published books of Varro [the *Divine Antiquities*], written for the pontifex Caesar.⁵

For the reader of the *City of God*, this passage caps two substantial books devoted to close argumentation against precisely this text, so the implication is unmistakable: Varro got both the story of Numa's books and the explanation for Roman religion wrong. The absence of censorship is the clincher for both errors: the Roman king's books must have revealed the demonic deceptions, and not contained mere philosophical fables, to merit destruction and, unlike the books of Numa, Varro's *Divine Antiquities* did not possess even the shadow of scriptural sanctity and power. Varro's huge and learned text, sufficiently authoritative on Roman religion to draw Augustine's lengthy refutation, still could not make up for the absence of Scripture and its truth. For us, Augustine's

polemic might seem exaggerated and unfair, but his effective juxtaposition of the Hebrew Bible, the books of Numa, and the writings of Varro does draw attention to a fascinating problem: what was the significance of books in a religion without a sacred text? If not Scripture, what were Varro's books and others like them and how did they come to mean so much that they were still worthy targets for Augustine centuries later? *Legible Religion* begins from these questions.

During the long final century of the Republic, roughly the period following the destruction of the books of Numa, Varro and other members of the Roman elite produced large numbers of learned treatises on traditional Roman religious culture. From what remains, we can see that these books contained a mass of detail about the nature of the Roman gods and the meanings of their rituals, religious texts, and sacral terms. We read the rules for prostitutes to worship Juno, about the identification of the god Dius Fidius with the Greek Heracles, the names of the minor deities that protect the woman in childbirth—Intercidona, Pilumnus, Deverra—and countless other details of Roman religious life.⁶ These books fell into a number of ancient genres—pontifical jurisprudence, philosophy, grammatical writings, historiography, periegetical writing—but all shared a focus on writing down the cult of the Roman city-state. Beyond the admirable attention to the details of rituals and gods and the variety in literary form, this overriding concern with Rome itself united the authors of these texts. Not every text written in late Republican Rome on the gods and their worship was part of this movement: a certain kind of philosophical literature on the nature of the gods, generally dependent on Hellenistic Greek philosophical systems, did not always address Roman cult.⁷ An excellent example is Lucretius's poem *On the Nature of Things*, which gives an account of Epicurean materialism and only makes a generalized case against religion, without mentioning specifically Roman cult practices.⁸ Beyond these few exceptions, however, the late Republic was remarkable for the efflorescence of a bookish discourse on the Roman cult.

To refer to this set of texts, I would like to propose or, rather, borrow a name: "civil theology." These intellectual writings were both "civil," because they were focused on what they perceived as particularly *Roman* religious culture, and "theological," in as much as they were concerned with the intellectual discussion of the gods and their worship. The Latin term, *theologia civilis*, is particularly associated, thanks to Augustine, with

Varro's work, who defined it as the things that the elite of the city should know about their own religion, what gods they should worship, what rites they should perform.⁹ The concept may not originate with Varro; we find it linked to the name of an earlier Roman writer, Mucius Scaevola, and it may have been generated in Hellenistic philosophical schools.¹⁰ Nevertheless, whatever its precise origins, civil theology, as an umbrella term, describes the preoccupations of these writers well: the cults of the city and the centrality of text. Varro's *Divine Antiquities* was probably the most famous work of this type; we catch a glimpse of its contemporary resonance when we read Cicero's praise of its author in his *Academic Books*: "We were wandering and roaming in our own city like outsiders, it was as if your books led us home so that we could finally know who and where we were."¹¹ Thanks to the intervention of the Senate, the books of Numa would never be read; in Varro's books and others of the same kind, the Roman cult that Numa supposedly founded became legible. Investigating this process and its consequences is the central aim of *Legible Religion*; by following this story, we will be able to answer the questions raised by Augustine's attack on Varro and the books of Numa.

In taking on this topic, I draw on recent scholarship that departs from established conceptions about Roman religion. For a long time, historians downplayed the intellectual and textual components of Roman religion in favor of an emphasis on supposed ritualism and the implication of religion and politics at Rome. Christian polemic—including Augustine's—and early modern political thought encouraged this tendency, which was also catalyzed by Hegel's idea that Roman religion was a "religion of utility" that lacked doctrine.¹² These ideas were highly consequential for the study of Roman religion: to take just two books important to the field at the beginning of the twentieth century, witness Georg Wissowa's famous statement that "Roman religion knew no *hieroi logoi* (holy texts). . . it had, in a word, no mythology" or Franz Cumont's claim that "[religion] was reduced to a collection of unintelligible rites, scrupulously and mechanically reproduced without addition or omission because they had been practiced by the ancestors of long ago, and formulas hallowed by the *mos maiorum*, that were no longer understood or sincerely cherished. Never did a people of advanced culture have a more infantile religion."¹³ More recently, even as historians moved away from ideas so clearly rooted in Christian tele-

ology, they continued to insist on the primacy of ritual in Roman religious culture.¹⁴ For example, a significant book on imperial cult, published in 2002, argued that “only with extreme caution should philosophical treatises, such as Cicero’s *On the Nature of the Gods* or *On Divination* be employed in the study of Roman religion; and as for its interpretation, they are best left out of account altogether.”¹⁵

Against these established views, some recent work has taken a “theological turn” and begun to emphasize the place of thought in Roman religious life.¹⁶ In particular, two recent books from the last decade, Clifford Ando’s *The Matter of the Gods* and Jörg Rüpke’s *Religion in Republican Rome: Rationalization and Ritual Change* have encouraged us to take Roman religious thought seriously.¹⁷ Ando’s study identifies long-term trends in Roman ideas on specific topics—the nature of a divine image, religion and law, the religious nature of imperial conquest—while Rüpke’s monograph provides a concentrated narrative of the development of rational discourse on religion in the Republican period. I do not agree with all their conclusions, and my book differs in scope from their work, but I owe a debt to them for opening up the intellectual history of Roman religion.

Despite these recent developments—and Rüpke does discuss Varro’s *Divine Antiquities* in one chapter of his book—historians of Roman religion still generally either marginalize learned Roman literature on religion—in the memorable words of Georges Dumézil, the great French historian of religion, their authors were “confused minds, half-scholars, and pseudo-philosophers”—or quarry the surviving texts for data about Roman religious life.¹⁸ The use of “antiquarianism” as a label for them has justified these responses, a term that evokes the aristocratic *érudits* of early modern Europe, producing little-read and marginal scholarly works.¹⁹ Recent studies have been critical of the use of “antiquarianism” as a category for understanding ancient writing, but this critique has not yet led to a full reevaluation of these texts.²⁰

Building on this work and focusing on the largely neglected civil theology, *Legible Religion* is an intellectual and social history of learned books on Roman religious culture.²¹ Civil theology was not simply an otiose and disinterested scholarly activity: in the late Republic, the books created, for the first time, a “Roman religion” from the huge variety of polytheistic practices in Rome and its empire. In the centuries that followed, they decisively formed Roman imperial and early Christian

conceptions of “traditional Roman religion.” Both the generation and the reception of these texts were shaped by Roman institutions and large-scale social change: the competitive aristocracy of the late Republic, the establishment of the Roman imperial monarchy, and the ascent of the Christian Church to the Commanding Heights in the later Roman Empire. The books never became Holy Writ in any of these contexts, as Augustine effectively points out; nevertheless, they played a central role in the making of Roman religion.

As part of my argument for the role of civil theology in articulating a “Roman religion,” I also pursue an heuristic comparison between the Roman literature on religion and the Mishnah, an early rabbinic compilation that defined Judaism, to understand better how texts can formulate religious systems from heterogeneous sets of practices and ideas. Inspired by Marcel Detienne’s injunction to “compare the incomparable,” I put these two very different kinds of text side by side in order to reconsider the evidence for Roman learned discourse on the gods and their worship.²²

Before we approach this history of Roman civil theology, I must mention two difficulties that confront this work. Firstly, nobody writing a book in the early twenty-first century on the religious history of a pre-modern culture can avoid the difficult problems around the concept of “religion.” For several decades, scholars in the field of religious studies—and some prominent figures outside it—have argued that religion is a modern, Western phenomenon.²³ These contemporary genealogists of religion have demonstrated that the idea that religion is an element of general human experience emerged at the intersection of the increased awareness of cultural difference in the context of European imperial expansion and the secularization of thought and society back on the old continent. The concept of religion that originated from this historical moment is, as several scholars have suggested, a generalized version of Protestant Christianity, with an emphasis on the sentimental individual and ideas of the divine. This scholarly development has profound consequences for the study of antiquity: it leaves Rome, as Brent Nongbri has recently argued, before “religion.”²⁴

In line with these findings, we must face up to the fact that the category names nothing autonomous or essential in Roman culture. Instead, I use “religion” here as explicitly a term of analysis and translation: in the first chapter, I adopt a definition suggested by Nongbri—“things

involving the gods or other superhuman beings and the technologies for interacting with such beings”—as a heuristic to access the pluralism of Roman religious culture; in the later chapters, “religion” translates the particular set of deities, institutions, and practices that were objects of Roman learned writing. Like all acts of translation, both uses of the term are necessarily approximate and provisional but driven by the need to make the Roman past comprehensible to contemporary readers.

I am aware that the choice to continue to use “religion,” even as a second-order term, may not satisfy all readers. In many ways, however, the problem is not confined to historians of religion; historians of economics or sexuality in ancient societies confront similar obstacles. The challenges posed by Moses Finley—how can we understand ancient economic life in the absence of commercial rationality and a separate economic sphere?—and Michel Foucault and his successors—how should we comprehend ancient sexual relationships without modern categories of heterosexuality and homosexuality?—parallel those raised by the genealogists of religion.²⁵ I join scholars in these fields who have found that the answer to these challenges has not been to ignore the plentiful evidence from antiquity for—in our terms—economic, sexual, and religious activities, but to unpack and translate ancient categories and representations, while accepting the profound differences between ancient cultures and our own.²⁶

The second difficulty is more pragmatic: we have lost almost all of the texts of late Republican writing on religion and—if we know of them at all—only now have indirect testimony from later authors, whose works did survive manuscript transmission to the age of print. In practice, this means that we are dependent on fragments—short reports of texts and brief quotes—given by a heterogeneous group of writers, including encyclopedists, grammarians, historians, jurists, Christian apologists, and medieval commentators on classical texts.²⁷ In every case, these authors are quoting the texts of late Republican authors for their own purposes, either for narrow information like an explanation of an unusual Latin word, an obscure reference in a poem, or an archaic point of law, or for the more polemical aim of denigrating “pagan” religion. In many cases, these reports of earlier texts and “quotations” are not based on firsthand reading of the original works but on tralatitious reports of earlier authorities.

Rather than despair of this partial and, frankly, often unreliable access to the works of civil theology, I suggest that we should still make an attempt to understand these texts, by approaching the fragments carefully and considering them both as part of the quoting texts and in their own right. In the interest of lucidity and so as not to try the patience of readers, I do not review the textual history of every fragment in the text itself; the identity of quoting texts and explicit discussion of the problems around certain fragments can be found in the notes. In one particular case, this book offers two readings of one set of fragments—the reports and quotations of Varro’s *Divine Antiquities* by Tertullian and Augustine—with different purposes: in Chapter 2, we encounter Varro’s work as a key example of the late Republican intellectual writing down of “Roman religion”; in Chapter 6, the early Christian reception of Varro’s text provides us an opportunity to meet the same text as part of arguments against traditional Roman cult.

The difficulty is further alleviated by the wide variety of evidence that allows us to contextualize the fragmentary texts and to explore their cultural effects. Throughout the book, this evidence—particularly literary works preserved in medieval transmission and inscriptions on stone—illuminates the history of civil theology. A huge amount of archaeological and literary material testifies to the varied Roman interactions with the gods and throws the selective written “Roman religion” of civil theology into relief. In preserved texts, we also find uses, defenses, and criticism of learned writing on religion that provide vital indicators of the authority of the books in these periods. Pasted together, all these different scraps—the fragments, the contextual evidence, responses to the texts—leave civil theology legible enough for us to explore the role of religious books in a society without Scripture.

Legible Religion is divided into three sections. In Part 1, Writing Roman Religion, which comprises the first three chapters, I investigate the emergence of civil theology and its would-be authoritative articulation of a “Roman religion” against the background of late Republican political, intellectual, and religious culture. Chapter 1, “Gods and Humans in Rome and Its Empire,” argues for a pluralistic religious culture in the Rome of the late Republic and early Empire and against modern assumptions of the existence of a Roman state religion. We find that human interaction with the many gods in Rome and its territory was

extremely diverse and hardly limited by political institutions. “Writing Roman Religion,” Chapter 2, turns to the central topic of the book, the late Republican books on religious culture. I contend that the authors of these books wrote up, for the first time, a concept that we can call “Roman religion,” a bundle of allegedly traditional and particularly Roman ideas about the divine and forms of worship. We can observe how Greek philosophy and textual scholarship combined with the new Roman science of jurisprudence to provide intellectual resources for the textualization of Roman cult. Chapter 3, “Letters of the Republic,” moves outward from the texts themselves to locate civil theology in the sociopolitical context of the late Republic. A close study of the social identity of authors and contemporary audiences—as far as we can access them—of these books demonstrates that both the production of books on religion and their authority were embedded in the profoundly competitive elite culture of that period. In the second part of the chapter, we encounter negotiations of the authority of civil theology in a speech by Cicero delivered before the pontifical college and in a lyric poem by Catullus.

Chapter 4, “Rabbis and Romans,” constitutes Part 2, Comparison. This chapter, building on recent studies of the *Mishnah*, an early rabbinic compilation of Jewish worship, makes an extensive comparison between the Jewish text and the Roman books to highlight how, in both cases, textual forms support the demarcation of religious systems. I argue that a disciplined comparison with early rabbinic formulations of Judaism can help us “re-vision” how civil theology circumscribes Roman cult.

Part 3, Reading Roman Religion, returns to the historical approach of the first part of the book to trace the impact of the late Republican books and their written religion in the Roman imperial period and late antiquity (late first century BCE to early fifth century CE). Over two chapters, I suggest how two major historical developments—the establishment of the Roman imperial monarchy and then the rise of the Christian Church—were implicated with the reception of these texts and their contents. In Chapter 5, “Emperor as Reader,” we see how the figure of the emperor shaped reactions to civil theology. On the one hand, the books influenced imperial claims of religious restoration and specific ritual innovations; on the other, the imperial elite used them to negotiate their own position vis-à-vis the ruler. In scope, this

chapter covers the period between the Augustan and Antonine ages (late first century BCE to mid-second century CE) and uses evidence as varied as Horatian lyric poetry, an inscribed calendar from near Rome, and Seneca the Younger's philosophical writings to understand the varied responses to civil theology in the early and high Roman empire. Chapter 6, "Paper Pagans," turns from the imperial center to the periphery to look at how two North African Christian authors—Tertullian and Augustine of Hippo—used civil theology to place Christianity in the Roman world in the late second century CE and early fifth century CE. I explore how these writers found in the text of Varro's *Divine Antiquities* a textual paganism that was useful for the assertion of Christian difference. In both Chapters 5 and 6, we are faced with the question of how the authority of the Roman books on religion became entangled with major political and religious change.

In the Conclusion, "Beyond Scripture and Literature," I challenge the established scholarly approaches to the relationship between text and religion—as Scripture and as literature—and return to the central question raised in this introduction: how should we understand the role of books in Roman religion?

PART I



**WRITING
ROMAN
RELIGION**

1



Gods and Humans in Rome and Its Empire

IN LATE SEPTEMBER 61 BCE, the great Roman general Gnaeus Pompey celebrated his third triumph. Two centuries later, the historian Appian claimed it was the most spectacular that Rome had ever experienced.¹ At the culmination of the ritual procession of army, captives, and plunder, which tens or even hundreds of thousands of Romans had watched pass by, Pompey himself sacrificed white bulls on the Capitoline Hill to Jupiter Optimus Maximus, the patron deity of the Roman State. Standing both for himself as *triumphator* and, by synecdoche, for the whole Roman community, Pompey acknowledged the support of the gods for his magnificent victories over Rome's enemies in the Eastern Mediterranean. Within a decade or two of Pompey's triumph, another inhabitant of the city performed a very different kind of ceremony. This person—whose name is unfortunately lost to history—scratched prayers on five lead sheets to the underworld goddess Proserpina, invoking Pluto and the canine guardian of the underworld, Cerberus.² The prayers asked that the gods dismember the personal enemies of the writer, named as Plotius, Avonia, Vesonia, Secunda, and Aquillia, in exchange for promised offerings of dates, figs, and a black pig. The anonymous ritual actor had no Appian to memorialize her actions: the lead sheets, buried in a tomb with a nail driven through them as a violent seal, only came to light two thousand years later at Johns Hopkins University in Baltimore.

Despite their near contemporaneity and proximity in place, these two actions have not often belonged on the same page. For the ancient

authors of learned books, “Roman religion” included the ritual of the triumph but excluded, as deviant *superstitio*, the writing of prayers on lead. So too modern historians have often drawn boundaries around a civic Roman religion that includes the triumph and sacrifice on the Capitoline and excludes, as private cult or as magic, the lead sheets buried in a suburban tomb.³ These conceptions of “Roman religion” are chimeras; they have existed in text, both in ancient scrolls and in modern books, but never in lived experience. For Pompey and the curser did both inhabit the same “world full of gods” and the logic of their interactions with Jupiter and Proserpina was shared.⁴ The gods were available to both for direct address in word and action and could enter into reciprocal exchanges of favors and (sacrificial) gifts. For the inhabitants of Rome and its imperial territory, this creation and maintenance of relationships with the gods was a central part of life, whether as a *triumphator* or from a much lower rung on the social ladder.

By setting aside established conceptions of what counted as “Roman religion” and by brushing against the grain of the textual and archaeological evidence, this chapter explores the depth and range of relationships between gods and humans in the late Republican and early Imperial periods (second century BCE to first century CE) in Rome and its territory. In order to find space for both Pompey and the anonymous author of the prayers on the lead sheets, we are obliged temporarily to set aside the elite ancient texts and undertake a redescription of Roman interaction with the divine. Brent Nongbri’s recent suggestion for a second-order conception of “religion” in antiquity guides this chapter: “things involving the gods or other superhuman beings and the technologies for interacting with such beings.”⁵ Prayers, sacrifices, supplications, votive dedications, processions, dramatic performances, communal meals: all of these actions, whether on a grand scale or modest, were aimed toward building ties with the gods. These bonds did not end at the gates of Rome: the gods and the modes of relating to them that were used at Rome belonged, in a broad sense, to a first-millennium BCE Mediterranean-wide cultural *koine*. Certainly, there were local particularities, but no firm religious boundaries can be drawn between Rome and the outside world.⁶ This expansive variety of lived experiences of the gods is the dominant characteristic of Roman culture. The emphasis here is on pluralism—the discrepancies between individuals and between social groups in how they interacted with the gods.

The picture presented here might not be surprising to many readers of this book, citizens of pluralist and liberal societies with commitments to religious tolerance, but only recently have historians of Rome faced up to the potential diversity of religious experiences in the late Republican and early Imperial periods. Instead, the dominant modern conception of “Roman religion” has been to understand it as a civic religion.⁷ In this view, there *was* a “Roman religion”: the collective religion of the Roman Republic. The juridical status of the citizen and his role as a religious actor were identical. Although based on the ancient discourse of civil theology, the modern intellectual roots of this idea can be traced back to Machiavelli’s discussion of Roman religion as a political institution in the *Discorsi* and to Rousseau’s use of pagan religion in the Roman Empire in the *Social Contract* as an historical example of his idea of a “civil religion,” subordinated to the needs of the state.⁸ More recently, concerns in the study of ancient religion to avoid both Christianizing teleology (focused on the exceptionality and inevitability of Christian success) and modern bourgeois conceptions of individuality have led scholars to return to the political and communal aspects of Roman religion.⁹ However, looking at the diversity of religious experience at Rome need not result in Christian apologetics or ethnocentrism. By looking at the evidence in new ways and drawing on heterodox scholarship in this area, this chapter seeks to move past these potential obstacles and to question the priority of the Roman state in mediating relationships between humans and gods at Rome.¹⁰

We can contrast this redescription of religious culture in Rome with the ancient bookish construction of “Roman religion” in civil theology. The civil-theological texts were extremely tendentious; the counterpoint between the diverse Roman sacral culture presented here and the legible religion of the books is intended to reveal the extent of their partiality. There was no essential Roman religion waiting to be written down; in fact, the *idea* of “a Roman religion” was a creation of the intellectual books.

A State Religion?

Modern historians of Roman religion, searching for *a* Roman civic religion, have emphasized the role of the state in mediating interactions between Romans and the divine. The influential French historian of

Roman religion, John Scheid, provides a clear statement of this view, relying on the bookish evidence of Cicero's treatise on religion: "Cicero defined religion as a whole as the 'worship of the gods.' (*De natura deorum* 2.8) We now understand that it was the total collection of practices and rules which were imposed on citizens and especially on those who represented them. No act should have been or could have been personal, nor could it escape the public sphere, everything was codified and regulated, precisely because everything was done publicly in the name of all the citizens."¹¹

To a certain extent, Scheid is right. We must acknowledge that Roman civic cult was a significant mode for mediating between the citizen body and the gods. This was particularly marked when magistrates, who could claim electoral legitimacy, performed acts of worship on behalf of the *populus Romanus*, most notably the auspices.¹² Similarly, religious acts performed by military commanders on campaign were collective acts of worship between citizens (*qua* soldiers) and the gods. The topography of the Circus Maximus, where the *ludi* were held, and the spectacular nature of the *pompae* (processions) were also conducive to forms of mass worship. Most of the ritual acts carried out in the name of the political community, however, especially sacrifices at specific temples, can hardly have been witnessed by large crowds, unlike the *ludi*. Nevertheless, even the claim to worship on behalf of the citizens was important.¹³

However, supporters of the idea that Roman religion was a "civic religion" do not just argue for the centrality of collective political worship of the gods. They also support the stronger proposition that citizenship (according to a juridical understanding of that term) entirely constituted religious identity for Romans and carried a set of obligations about forms of worship.¹⁴ At its harshest, this makes the city-state look like an Orwellian nightmare where everything was regulated (see the quote from Scheid above).¹⁵ In truth, for the Republic, there is little evidence for prescribed acts of worship and even less for state enforcement of religious norms. Even so-called magic was only criminalized in the high imperial period (late second century CE).¹⁶ The apparent exceptions to this regime of cultic laissez-faire are the isolated punishments of two out-of-control military commanders in deep southern Italy: in the late third century BCE Gaius Pleminius violated a temple of Proserpina at Locri and in the following century Quintus Fulvius Flaccus did some-

thing similar to a temple of Juno at Croton.¹⁷ Similarly, the rare senatorial regulation of group relationships with the gods, most famously the *Senatus Consultum de Bacchanalibus* from 186 BCE, which regulated worship of the god Bacchus, were statements of principle without much sign of (continuing) enforcement.¹⁸ Beyond these cases, there is little evidence for legal limitations on whom, how, and where citizens could worship—though there were certainly some social norms—and the evidence for diversity and change during the centuries after the Punic Wars (see below) suggests that this is not simply a case of absence of evidence.

If anything, the early imperial period provides more evidence for central control of cult action: for example, Augustus' insertion of the Genius and Lares Augusti as forms of imperial worship into the cults of the neighborhoods (*vici*) in Rome and a markedly increased frequency of expulsions of particular religious practitioners from the city. But no one has ever credibly argued that Roman religion *became* a civic religion in the early imperial period; the evidence, if anything, points to an even wider variety of relationships with the divine from the first century CE.¹⁹ At the heart of the "civic religion" model is a modern overvaluation of the nature of Roman citizenship and the strength of the state; unlike, say, modern French Republican citizenship or even ancient Athenian citizenship, there was a flexible connection for Roman citizens between juridical identity and cultural performance.²⁰

Even the elite priests—the augural and pontifical colleges were most significant—who are normally considered the religious representatives of the Roman political community, may have been quite marginal to interaction with the divine as a whole. The colleges were filled with members of the same social class that also constituted the political elite (the joint plebeian-patrician nobility) and they were ostensibly civic institutions—*sacerdotes publici*. But, as Jörg Rüpke has suggested, from an anthropological perspective, they seem mostly to have been upper-class dining societies that were occasionally empowered by members of the wider elite as sacral experts.²¹ Although, as we shall see in the next chapters, the books placed these priesthoods at the center of religious life, their initiative seems to have been highly circumscribed and dependent on magistrates.²² The recorded "police actions" of the pontifical college, in particular, seem to have been almost entirely confined to the regulation of priests who were part of the college—the fining of

errant *flamines* and the punishment of Vestals. For most of the period under discussion here, the colleges themselves had a pivotal role in the selection of new members.²³ If we accept the idea that they were mostly elite social clubs, we should be wary of inserting the colleges, as has frequently been done, into the so-called constitutional system as part of the civic apparatus.²⁴

In some situations, Roman citizens worshipped the gods together; in others, elected magistrates worshipped on their behalf. These occasions should not be generalized into a model of a Roman civic religion, entirely embedded in the political structures of the republican city-state. Instead, most interactions with the gods at Rome existed beyond the reach of the state and were not, for the most part, the object of surveillance or legal regulation.

Diversity

Rather than understand “Roman religion” solely in the narrowly political terms of the citizen republic, the social and economic realities of the three centuries following the Second Punic War (approximately second century BCE to first century CE) provide the basis for a richer picture of engagement with the divine at Rome. The city of Rome and its territory, Italian and transmarine, experienced dramatic economic, cultural, and social change in this period. The development of empire was the central driver of the transformation of Roman society. Relieved of competition from Carthage in the western Mediterranean, Rome was able to turn east and wage war against the wealthy Hellenistic states. In economic terms, imperial profits, both the direct proceeds of these eastern wars and the income derived from Mediterranean trade thanks to successive “peace dividends,” meant a massive transfer of wealth to the Roman treasury and to elites throughout the Italian peninsula.²⁵ Imperial expansion also encouraged trade with the east—the well-attested presence of Italian traders at the Greek island of Delos, a commercial crossroads in the Aegean, is symptomatic. War and the increase of wealth among elites in Italy also affected population mobility: millions of slaves were imported, principally for agricultural labor. Although the level of intensification of agriculture is hotly debated, this slave labor and probable overall population growth in peninsular Italy may have encouraged migration to the cities. There are also signs of significant

migration from Latin colonies to Rome itself.²⁶ Despite an absence of accurate figures, Peter Brunt estimated that the population of the city of Rome went from approximately 375,000 people in 130 BCE to roughly 750,000 in the reign of Augustus.²⁷ Riding these flows of commodities and people, cultural influences from the Hellenistic cultures of the Eastern Mediterranean had a major impact on central Italy. The monumentalization of urban centers in Hellenistic style in the second and first centuries is evidence for both economic and cultural impact of this engagement with the Greek-speaking world.²⁸ This was also the period of the invention of a Latin literature, written, at first anyway, by migrants according to the conventions of Hellenistic Greek literature.²⁹

There were also significant sociopolitical developments. The open nature of Roman citizenship, so remarkable to the Greeks, was particularly important.³⁰ Some percentage of the slaves brought to Italy in this period were manumitted and became Roman citizens, still conscious of their own patrimonial cultures. This had a particularly notable impact in the city of Rome: recent studies have suggested that a significant percentage of the population of the city were freedmen and these *liberti* shaped the culture of the Roman plebs.³¹ The grant of citizenship to all Italians living south of the Po, the ultimate consequence of the Social War (91–89 BCE), had an even more dramatic effect on the size and nature of the citizen body. With the enfranchisement of Italy, a majority of Roman citizens now resided outside the city of Rome. In the shadow of all of this large-scale change, the “eventful” history of the “fall of the Republic” moved on—the struggles between a succession of military dynasts and the traditional aristocracy that heralded the transformation of the Roman Republic into a monarchic empire.³²

We may seem to have wandered far from the gods, but these economic, social, and political changes point in a similar direction: the difficulty for Rome of maintaining anything like the high levels of cultural solidarity required for the civic-religion model of “Roman religion.”³³ In fact, multiple types of relationships between humans and gods reflected the situation of social heterogeneity. From the truly individual connection between the worshipper’s body and the curative power of the god, to the group worship of particular deities and the possibility of plural forms of cult between different social groups and the same deity and temple, diversity in these relationships is apparent throughout the evidence. There is not enough space here for a full account of human

interaction with the divine in late Republican and early Imperial Rome. Rather, I offer a few examples of how Romans related to the gods, moving outward from the individual, to the group, to wider society.

So-called anatomical votives provide evidence for direct—visceral—relationships between the individual and god.³⁴ Archaeologists have found votive offerings in the form of terracotta representations of human body parts, dating from between the fourth and first centuries BCE, at several sites in the city of Rome. Although this practice of offering anatomical votives is not mentioned in elite Roman texts, the terracottas clearly attest to the creation of individual bonds between worshippers and deities.³⁵ Many examples have been found on the banks of the river Tiber, including feet, hands, other limbs, and organs.³⁶ The most dramatic examples are the so-called polyvisceral figurines, small terracotta models with a cut-away of the abdomen that reveals the diseased organs inside the body. They were objectifications of the desired relationship between the dedicator and the god, either in hope of a cure for an internal ailment or in gratitude for health. Similarly, a votive deposit, found on the Esquiline Hill and connected with a cult of Minerva Medica (Minerva the Doctor), contained several hundred terracotta objects, including many anatomical votives.³⁷ Like those found by the Tiber, the deposit also includes terracotta hands, feet, diseased organs, male genitalia, uteri, and placenta, which may indicate female dedicators.

The practice of dedicating anatomical votives of this kind is known from all over the Mediterranean in the first millennium BCE.³⁸ The specific use of terracotta representations of body parts is especially characteristic of the Etruscan, Latial, and Campanian regions of western and central Italy, though they have also been found throughout the peninsula.³⁹ This is a far cry from the strict limits of the collective religion of the Roman city-state; rather, these votives attest to the creation of bonds between worshippers as embodied individuals and the gods. Both Aesculapius and Minerva were the objects of civic worship, but these deposits indicate that there was also significant non-elite engagement with the cults of these deities on personal terms.⁴⁰ The various findspots of anatomical votives in Rome suggest that Romans had a choice about which deity to select to receive the offering, not limited to Aesculapius and Minerva.⁴¹ Like the prayers directed against personal enemies scratched on lead sheets, anatomical votives offer evidence for personal relationships with the divine at Rome.

The possibility of these individual ties with the gods did not preclude the creation of collective relationships with them. There are also signs in the late Republic of the development of group worship of particular divinities outside the official structures of the state. A famous persecution of the socially marginal worshippers of Bacchus in 186 BCE was, as John North has argued, a symptom of the emergence of these groups.⁴² An inscribed list of names from a funerary monument from Rome in the first half of the first century BCE provides more evidence for this sort of cultic option.⁴³ Unlike in most Roman funerary inscriptions, there is no family relationship between the occupants of the tomb. Instead, the prominence of the priesthood of Isis Capitolina makes the goddess Isis, who had no official presence in the city, the likely common bond among this group of people.⁴⁴ Onomastics can reveal the social context: the names listed include both freedmen and free-born citizens, some clearly of Greek ethnic origin but all, in terms of formal status at least, Roman citizens and so not excluded from forms of political cult. Although it was perhaps less than completely respectable, their shared devotion to Isis had brought these people together, both in life and in death.

This option for group worship was not only available to non-elites and sub-elites; we have evidence of such groups operating among the aristocracy too. Cicero's *Against Vatinius* is an oratorical attack, delivered in 56 BCE, against the character of Publius Vatinius, a partisan of Julius Caesar.⁴⁵ One section of the speech focuses on Vatinius' participation in Pythagoreanism, which Cicero dresses up as a barbarous set of magical practices:

You regularly call yourself a Pythagorean and cover up your wild and barbarian practices with the name of a most learned man. But although you have engaged in unheard-of and wicked sacrifices, although you are accustomed to call up underworld spirits and to appease the chthonic gods with the entrails of murdered boys, what great mental depravity, what great madness gripped you that led you to show contempt for the auspices with which this city was founded, upon which the whole republic and its authority depends . . . ?⁴⁶

Setting aside Cicero's clever connection of Vatinius' personal attachment to the teachings of Pythagoras to a politicized dispute over augury ("the auspices with which this city was founded") during Caesar's consulship, his accusations here of black magic and child sacrifice look like the surveillance and regulation of religious action. Two years later, however,

in 54, in a different political environment, Cicero was forced to defend Vatinius. This speech is now lost, but a late antique commentary and a report by the Christian writer Jerome make clear that Cicero used Vatinius' participation in the Pythagorean sect as part of his defense and provided a positive interpretation of these groups.⁴⁷ The reversal requires that we not take Cicero's accusations literally, but as the polemic appropriate to ancient political invective. The pair of Ciceronian speeches are evidence for the development of Pythagorean groups among the political elite, men like Publius Vatinius. His participation in Pythagoreanism and Cicero's reference to his hatred for the auspices does not mean that Vatinius was disaffected with more mainstream forms of cult. In fact, he actively campaigned to become an augur in the early 50s and did actually become one in 48. In other words, if we look beyond the rhetorical abuse, we can see that Vatinius' attachment to Pythagoreanism was not in opposition to other types of cult, but one of several ways he related to the gods. At opposite ends of the Roman social ladder, then, rituals shared with others enabled experiences of the divine that differed from the collective cult. Sometimes these groups could raise suspicions—the Senate chose to crack down on the Bacchic group and Cicero tried to use Pythagoreanism against Vatinius—but, given the evidence for their persistence, this does not seem to have diminished their attraction as a way to relate to the divine.

Individuals and groups could create links with the gods at Rome in the late Republic and early Imperial periods, alongside collective civic cult. Turning to the wider social picture, a single deity—the Magna Mater, the Great Mother—can serve as an illustration of how these different kinds of bonds between humans and gods could overlap, fuse, or diverge.⁴⁸ In 205, toward the end of the long Second Punic War, the Senate sent an embassy to Pessinus in Asia Minor.⁴⁹ In response to a prodigy of a shower of stones and a consultation of the Sibylline Books, the Roman priests had suggested that the city should import the sacred stone of the goddess Cybele from Pessinus, to become known as the Magna Mater.⁵⁰ The arrival of the goddess was, according to Livy, a great state occasion: the whole city (Livy uses the term meaning the city *qua* citizen community: *omnis civitas*) went out to Ostia to celebrate the advent, and a Roman matron, Claudia Quinta, acted as representative for the community.⁵¹ The goddess, in the form of the stone, was first installed in the Temple of Victoria while her temple was built on the Pala-

tine Hill and dedicated in 191. A public sacrificial ritual and annual games, the *Ludi Megalenses*, held in April, were established. These games, which included theatrical performances, offered opportunities for communal worship of the goddess.⁵²

However, Livy's story of high politics and official cult does not exhaust the significance of the Magna Mater in Roman society. Archaeology provides good evidence that there were a variety of responses to the cult. Postwar Italian excavations on the southwest corner of the Palatine substantially improved our knowledge of worship of the Magna Mater. Romanelli excavated the temple podium, which substantially dates to the rebuilding of the temple after a fire in 111.⁵³ In the podium fill, he found a deposit of votive terracottas, datable to the second century, including many figurines of the "dying god" Attis, the mythic consort of Cybele, and terracotta representations of pinecones, which reflect the Anatolian myth associated with the death of Attis underneath a pine tree. Nothing in our literary sources indicates that Attis had any role in the state cult of the Magna Mater, at least until the cult was reformed under the emperor Claudius in the first century CE.⁵⁴ The votives, on the other hand, suggest that there was devotion to Attis already in the second century BCE, at least on the part of the non-elite strata of society who dedicated these objects. In this case, archaeology allows us to move beyond the structures of collective worship and provides evidence of individual relationships with the cult on different terms than the communal experience of the *Ludi Megalenses*.

This divergence of experiences of the goddess and her cult also appears in other forms of evidence. From various allusions in late Republican writers, it seems likely that, from the beginning, the cult had a dedicated priesthood of devotees, called the Galli, who maintained worship of Cybele in an Anatolian fashion. For example, an early first-century rhetorical treatise, the anonymous *Rhetorica ad Herennium*, advises orators to use the Galli for invective: "[Use a simile] to incite envy in this way: 'That man who shows off his wealth, like a Gallus from Phrygia [in Anatolia] or some soothsayer, weighed down and loaded up with gold, shouts and raves.'"⁵⁵ The utility of this comparison for the student of oratory depended on the familiarity of potential audiences with the Galli. As the author of the *Rhetorica ad Herennium* indicates, there was something spectacular about these specialized priests, whose processions were accompanied by music, especially cymbals, and

dancing. The ancient elite authors were keen to emphasize that these priests were un-Roman and unmanly, and they propagated the idea that they were castrati.⁵⁶ Modern historians have sometimes attempted to explain away their presence as an historical accident, collateral damage when the stern, formal Romans imported the cult and were forced to accept the goddess' foreign priests too.⁵⁷ But the Galli priests of the Magna Mater deserve a place in our account of Roman society as a specialized charismatic priesthood that provided a different kind of cultic experience of the goddess, even at a distance as performers in processions.

The Roman elite may well have kept clear of the Galli and worship of Attis, but there are signs that they had their own forms of attachment to the Magna Mater. The Augustan-period inscribed calendar from near Rome in Praeneste mentions one form of celebration of her cult that was apparently confined to the class of nobles.⁵⁸ Roman aristocrats had a tradition of inviting each other to ostentatious banquets in honor of the goddess on the fourth of April, called *mutitationes cenarum*. In a passage from Cicero's philosophical dialogue on old age, the author uses these banquets to characterize the elder Cato, the central figure in the work: "Firstly, I have always had my club companions. Indeed, when I was quaestor, clubs were set up when the Idaean worship of the Magna Mater was introduced at Rome. So I banqueted with these companions—in a totally modest way, but there was a certain ardor (*fervor*) of youth."⁵⁹ There is no sign that these banquets were directly part of the political worship of the Magna Mater; they represent an informal aristocratic devotion to the goddess that might even be conducted with "ardor."⁶⁰

The Magna Mater, then, provides an example for the potential variety and complexity of the practices, experiences, and attachments around a single deity in Roman society. In various ways, individuals and social groups had different kinds of interaction with the goddess. Without doubt, different elements of the cult appealed to different segments of the population, but we should not necessarily imagine that these were exclusive: the same Roman could attend the *Pseudolus* by the comic playwright Plautus (the first play performed at the *Ludi Megalenses*) and dedicate a figurine of Attis; or another could witness the frenzy of the Galli and participate in the noble practice of *mutitationes*.

As these examples indicate, relationships with the divine took place on several scales at once: humans interacted with the divine as embodied individuals, in small groups of people (rich and poor, citizens and non-citizens), and, sometimes, as a collective. Consideration of household cult, cultic specialists, and charismatic dynasts would contribute more data, without changing this overall conclusion. One recent study of household cult points out the plurality of relationships with the divine within the *domus*: assemblages of statuettes from Pompeian domestic shrines (*lararia*) show that each household prioritized different sets of deities. Similarly, houses with multiple shrines suggest that there may have been segmentation of relationships with the divine even within households, perhaps especially between free members of the family and their slaves.⁶¹ Professionals, particularly divinatory experts, also mediated individual experiences with the divine, sometimes with reference to particular “holy books” and frequently for pay.⁶² Finally, the well-attested phenomenon of particular members of the Roman elite publicizing “special” relationships with specific gods, which goes back at least as far as Scipio Africanus, the hero of the Second Punic War, and is particularly intense for the emperors, may be exceptional but suggests that very personal relationships with the gods were thinkable.⁶³

These examples have almost all been drawn from the evidence for the city of Rome itself. In reality, these different modes of relating to the gods were not restricted to the city. Certainly, many of these bonds between humans and gods were profoundly local affairs, particularly in so far as they depended on specific cult images in particular temples. At the same time (and setting aside Roman colonies as a special case),⁶⁴ the culture of Rome shared much with other urban centers in the Mediterranean, in terms of both the gods themselves and practice. I have already mentioned how the practice of dedicating terracotta anatomical votives was shared across central Italy in the Republican period; the same was true of curses inscribed on lead tablets, examples of which have been found in several languages in various parts of the peninsula and Sicily. To recall another of my examples, the Magna Mater was worshipped in many cities in the eastern Mediterranean, including at her original sanctuary in Pessinus, and widely in the northern and western Roman provinces, even as she was identified with the specific stone in her Palatine temple.⁶⁵ Even without the complicated situations of syncretism (or so-called *interpretatio Romana*), we can see similar tensions

between Roman cults and temples for Diana, Apollo, and Isis and their worship outside Rome, in Latium, in the Greek world, and in Egypt, respectively. The polarity could be reversed: there was a temple for Jupiter Capitolinus, named for the temple on the Capitoline Hill, at Antioch in Syria from the second century BCE.⁶⁶ One way to understand how this all fits together is to consider, for a moment, Roman religious culture as part of “Greek religion” (itself a problematic concept): like any of the thousand Greek city-states, Rome contained some unique cults but it also participated in a shared religious culture, including recognizable common deities and similar ritual acts.⁶⁷

In sum, a reevaluation of the archaeological and literary evidence reveals a diversity of options in Rome for relating to the gods: different kinds of relationships (individual or collective), different modes for the creation of ties with the gods (forms of sacrifice, types of material gifts, numbers of participants), and different experiences depending on one’s position in the social hierarchy. This diversity maps onto the social and economic heterogeneity of Roman society as a whole in this period. Just as the imperial developments of the period after the Punic War diversified Roman society, we find a concurrent multiplication of forms of relating to the gods.

Against “Roman Religion”

The Romans lived in a world full of gods, not limited by the citizen republic or its laws.⁶⁸ This chapter has argued that diversity was the central characteristic of religious culture in Rome and its empire. Inhabitants of Rome and its empire could and did choose to interact with the gods in different, if not contradictory, ways: as embodied individuals, as participants in particular groups, and as part of the Roman political community. This situation of pluralism has a superficial modernity: it is not far from a Western world where, for example, political leaders invoke the support of a depersonalized “God”; Jewish Buddhists coexist alongside Hasidic Yeshiva students; and Protestant Christians go to church on Sunday and to yoga classes during the week.⁶⁹

It is important not to exaggerate: in very many respects, ancient cult was profoundly alien from modern Western religion, which rests on a concept of the secular that guarantees a space for a pluralism of “faiths.”⁷⁰ In Rome, by contrast, in the absence of a distinction between the sec-

ular and the religious, there was a basic social consensus that has no modern analogue. The polytheistic system was apparently unchallenged (at least in practice) and there was widespread agreement about the nature of divinity as something “other” but not transcendent. The gods were present in the city and throughout the rural landscape: this was still an enchanted world. Reciprocal relationships were possible with deities, who listened to human communication through prayer, blood sacrifice, and gift giving. These relationships with the gods were not exclusive, and there is little sign of the development of anything like a situation of “confessionalization” where religion could function as a primary social identity—a Roman could not “be a pagan.”⁷¹ Similarly, the violent fundamentalist wish to harm or kill those who did not share the same ideas about divinity was unthinkable.⁷²

How to understand an ancient Rome that is both familiar and weird? The “modern” pluralism of Roman religious culture must not overshadow its radical difference from modernity; nor should a reasonable desire to avoid ethnocentrism force us to ignore the more familiar elements of this religious system.⁷³ Understanding antiquity requires that we avoid finding either too much or too little of our own society in the past.

The subject of this study—learned books on Roman religion—presents precisely this dilemma. In contrast to the lived experience of religion, the Roman elite articulated in these books selected practices and institutions as a single system. In this sense, at least, “Roman religion” was a religion of the book. Despite our familiarity with this concept, we must resist the temptation to measure the significance of civil-theological books against scriptural texts—the Bible, the Qur’an—that have shaped and continue to shape contemporary religions of the book. The Roman books were not scripture, but this difference must not lead us to dismiss them as a failure or to ignore their role in making “Roman religion.” Instead, it is worth the effort to understand their meaning for their writers and readers in their own ancient context before we seek, in the conclusion, to move beyond scripture as the dominant way to understand books and religion.

2



Writing Roman Religion

BY THE 40s BCE, “Roman religion” had become legible. For over a century, elite Roman authors had been writing down the details and meanings of practices, institutions, and conceptions related to the Roman gods and their worship. These “theological efforts of the Roman upper classes,” as they have been called, were an exceptional project of writing down a religious culture.¹ Not everything made it: many of the things that we have encountered in the last chapter did not appear in the late Republican books on religion. Instead, the move from word to scroll, a process that we can call textualization, demanded the selection of religious ideas, institutions, and practices and their articulation into a legible object.² For the first time, a package of deities, rites, and actors—that we can, at least tentatively, call “Roman religion”—was encompassed in written texts.³ In contrast to recent interpretations, I do not think that this was an invention of religion in general or the disembedding of religion from other aspects of Roman life—which would require discernment from a realm of the secular or the nonreligious.⁴ Instead, I suggest that the books did the opposite: an embedding of (some) gods and their worship in the elite construction of Romanness.

The program of Varro’s *Divine Antiquities*, as presented by Augustine, allows us an insight into the conceptual basis of this textual articulation of “Roman religion.”⁵ Varro explains that his project is to write down the particular and traditional religion of the city and to track actual custom, while explaining how this religious culture relates to philosophical and mythological ideas about the gods.⁶ He admits that a new state could take the gods from the “natural rule” (*ex naturae potius*

formula)—perhaps here a glimmer of a concept of universalized religion in a modern sense—but Varro rejects this in order to inscribe his vision of Roman tradition in his work. In a comparable passage at the end of his *On Divination*, Cicero suggests that his own writings on the gods and their worship can play a role in the separation of *religio* from *superstitio*, validating the religious institutions of the ancestors as compatible with a philosophical cosmology.⁷

In parallel with these programs, we can track a self-consciousness about the role that texts could play in the articulation of this new “Roman religion.” Varro opened his *Divine Antiquities* with a grandiose claim: “Through books of this kind, he said that the gods would be recorded and preserved in the memory of good people, with more beneficial care than that with which Metellus is said to have saved the holy things of Vesta from fire and Aeneas rescued the Penates from the fall of Troy.”⁸ Similarly, in his dialogue *On the Laws*, Cicero suggested that his written religious law code matched the sacral constitution of Numa.⁹ The comparisons between the written religion of the *Antiquities* and ancient cult objects, and between *On the Laws*’ idealized code and the laws of Numa, are figures for the project of civil theology: the reduction of the lived variety of religious culture in Rome to a single written object, a “Roman religion,” supposed to correspond with the system established by the ancestors.

This chapter is about the relationship, therefore, between the intellectual strategies used by authors of learned books on religious culture and the formation of a package of traditional worship of the Roman gods. The surviving texts of civil theology were marked by a characteristic constellation of rhetorical habits and intellectual tools—a *style*—that included the rhetoric of description; appeals to the material culture of the city of Rome and to ethnography; the use of etymology as a scholarly tool; and the language of demystification. Recent work on the intellectual history of late Republican Rome has understood the use of these techniques as part of “the birth of a critical spirit” or a process of rationalization during this period, but these readings of Roman intellectual culture collaborate with the rhetoric of the ancient texts and predetermine their modernity.¹⁰ Instead, by understanding these scholarly habits as a distinctive style without judging their rationality or sincerity, we can focus on how they advance the overall project of civil theology: the production of “Roman religion” as a legible object.¹¹

Writing Down: Rhetorics and Practices

In order to catch a glimpse of the style of civil theology, we must turn to the remnants of the books. In this first section, I propose a reading of the surviving fragments of civil theology, with two questions in mind: first, which intellectual and rhetorical strategies did the authors of these books use to write down practices of worship and conceptions of the gods? Second, how did these strategies work to delineate a particularly Roman religion? When late Republican writing on religion has been discussed by modern historians, readings of Cicero's complete books, *On the Laws*, *On the Nature of the Gods*, and *On Divination*, and the fragments of Varro's *Divine Antiquities*, and questions about the personal intention and ideas of these authors have been at the center of scholarly analysis.¹² I read a wider selection of the surviving texts here in order to challenge the exceptionality of Varro and Cicero and to sketch the wide scope of civil theology and its project of shaping a written religion for Rome.

The fragments of civil theology are overwhelmingly descriptive. Description turned the great variety of Roman religious actions, roles, and objects, even the gods themselves, into text. Our earliest example from the second century BCE is characteristic: Fabius Pictor's list of cultic requirements for the *flamen Dialis*, the priest of Jupiter, an extended list of taboos and obligations.¹³ A selection gives a flavor of the whole:

It is against the law for fire to be taken from the *flaminia* (that is, the house of the *flamen Dialis*) except for a sacred rite; if a person in fetters enters his house, he must be loosed, the bonds must be drawn up through the skylight to the roof and from there let down onto the street. He has no knot in his head-dress, girdle, or any other part of his dress; if anyone is being taken to be flogged and falls at his feet as a suppliant, it is unlawful for that man to be flogged that day. Only a free man may cut the hair of a *Dialis*. It is not customary for the *Dialis* to touch, or even name, a she-goat, raw flesh, ivy, and beans.¹⁴

Later texts also conform to this pattern: a fragment from Nigidius Figulus's *On the Gods*, recording a specific ritual action, reads: "then he should stand up and make four libations . . . two to the right and two to the left."¹⁵ Appius Claudius Pulcher explained that a *sollistimum tripudium*, a favorable omen, was observed when something fell from the mouth of a bird or when a solid rock or living tree fell down without human intervention.¹⁶

Behind these apparently disinterested descriptions lay a vast attempt to systematize Roman religious culture. We can see most clearly in the best-preserved text of this kind, Varro's *Divine Antiquities*, how textualization involved intrusive operations of selection and articulation. Augustine preserves something like a table of contents for the sixteen books.¹⁷ After a book of introduction, Varro wrote three books on the major priestly *collegia* (*pontifices*, augurs, and the *quindecimviri*), three on sacred places (on sacred spaces, on sacred buildings, on holy places), three on sacred time (on festival days, on circus games, and on theatrical games), three on rituals (on consecrations, on private rites, and on public rites), and finally a trilogy on the gods (on certain gods, uncertain gods, and significant gods). Textual division provided the conceptual framework for Varro's description of Roman religion. Equally, some level of selectivity is apparent: the Etruscan soothsayers (the *haruspices*) were probably excluded and Augustine was livid that Varro had ignored the embarrassingly barbaric, castrated god Attis.¹⁸ This description was frequently matched by assertions of the antiquity of Roman religious institutions. Varro apparently listed which deities were introduced by the early kings: Romulus, he writes, established Janus, Jupiter, Mars, Picus, Faunus, Tiberinus, and Hercules as gods for the Roman people; Titus Tatius added Saturn, Ops, Sol, Luna, Vulcan, Lux, and Cluacina.¹⁹ Repeatedly in these books, the credit for Roman religious worship was given to Numa, who allegedly established the rites and the ritual calendar.²⁰

Beyond plain description, list making worked to mark out limits for "Roman religion." Augustine provides us with a list of the twenty Varronian "significant gods" (*di selecti*): Janus, Jove, Saturn, Genius, Mercury, Apollo, Mars, Vulcan, Neptune, Sol, Orcus, Liber Pater, Tellus, Ceres, Juno, Luna, Diana, Minerva, Venus, and Vesta;²¹ according to Lactantius, Varro also listed the ten prophetic Sibyls according to their homelands: the Persian, the Libyan, the Delphic, the Cimmerian, the Erythrean, the Samian, the Cumean, the Hellespontine, the Phrygian, and the Tiburtine;²² his contemporary, Nigidius Figulus, discussed the four types of Penates: the Jovian Penates, the Neptunian Penates, the Penates of the underworld, and the Penates of mortal men.²³ This was not entirely new: the Greek poetic tradition, in its Hesiodic mode, had incorporated lists of gods since its very early period; Roman poetic echoes are found in the fragments of Ennius's epic poem, the *Annales*.²⁴

Old Roman prayer formulae also included lists of divine names.²⁵ The function was the novelty: the civil-theological lists were aimed at the organization of Roman religious knowledge in book form.

At one end of the scale, these lists amounted to bare devices for the collection of material under single headings. We have already encountered an early case of this in the collection of rules surrounding the *flamen Dialis* put together by Fabius Pictor in the mid-second century.²⁶ A more elaborated example, the fourteenth book of Varro's *Divine Antiquities*, much mocked by Augustine in the *City of God*, collected a large number of deities, including the incidental deities (so-called *Sondergötter*), and was, in part, ordered by the life cycle of a Roman male. Starting from Janus, god of beginnings and childbirth, Varro continued until the goddess Nenia, the goddess of funeral songs.²⁷ Within the book, sets of gods were arranged according to their function within the life of a Roman man; for example, Varro listed the deities involved in marriage and then intercourse (Afferenda, Domiducus, Domitius, Manturna, Virginensis, Subigus, Prema, Pertunda, Venus, and Priapus).²⁸ As a whole, this must have looked something like the extant fifth and sixth books of his *On the Latin Language*: an extended concatenation of names and explanations for them.²⁹ The title of Granius Flaccus's book dedicated to Julius Caesar, *De Indigitamentis*, suggests a similar collection of the names of gods.³⁰

At the other end of the scale, contemporary rhetorical theory encouraged the use of enumeration as a tool for classification.³¹ Cicero recommended the rhetorical deployment of the list as part of the practice of *definitio*, which comprised *partitio* and *divisio*.³² *Divisio* required a catalogue of all the members of a given *genus*: Varro's list of ten Sibyls conforms to the handbook definition of this *topos*. Splitting a phenomenon into a list of its constituent parts was *partitio*, most apparent in the table of contents of Varro's *Divine Antiquities*, where Roman religious culture was distributed, as we have already seen, into four categories: sacred personnel, sacred places, times, and rites.³³ Cicero himself used this technique: Cotta, a character in his *On the Nature of the Gods*, divides Roman religion (*omnis populi Romani religio*) into three: the sacrificial rites, the auspices, and the prediction of the future through Sibylline Books and haruspicy.³⁴

Even on a less formal level, the Roman intellectuals certainly liked to work with ordered lists, marked by significant numbers; one can observe factors of four or ten, as in several of the examples already men-

tioned. In general, the civil theologians were keen to justify their lists; for example, Varro's "significant gods" add up to a Middle Platonizing view of the cosmos,³⁵ and according to Arnobius, Nigidius Figulus's four types of Penates reflect an Etruscan cosmological system. Deployed strategically, the list was a useful tool for the discursive shaping of Roman religion.

In recent work on late-antique Persian texts, Yuhan Vevaina has demonstrated how a similar taste for enumeration was a tool in the formulation of a Zoroastrian religious tradition (*dēn*).³⁶ The Persian scholars embraced the twin processes of counting and taxonomy in order to create correspondences between the cosmos, fields of human knowledge, and classic Persian texts and to encompass all three levels within the category of *dēn*. In a very similar way, the result of list making was the writing down of "Roman religion" as a closed system. The explicit processes of inclusion and exclusion that are central to list making allowed the theologians to mark out what they thought did and, significantly, did not count as "Roman religion."³⁷

The space also played a role in this marking out of a "Roman religion." Civil theology was an urban science. Written records and interpretations of the religious iconography, architecture, and topography of the city was a major part of the writing down of Roman religious culture. By the late Republic, the city was full of temples and images—many now centuries old—which were both practically and mnemonically central to religious life. Like orators and historians, the civil theologians depended on their audience's responses to this material reality to support their textual projects.³⁸ For example, several programmatic passages in the *Divine Antiquities* make clear that Varro treated Roman religious art and architecture.³⁹ In the important final book, he discussed his "significant gods," a canon of twenty deities. His rationale for selection is significant: these were the gods to whom the Romans had given temples and whom they had decorated with many symbols.⁴⁰ Another fragment, from the beginning of the same book, explains the importance of the material culture of Roman religion for Varro's arguments. He writes that "the ancients invented the statues of the gods and their attributes and decoration, so that when those who were initiated into the mysteries of learning looked at them with their eyes, they could see the World Soul and its parts—the real gods—in their minds."⁴¹ The rhetorical appeal to the temples and statues was central to Varro's larger point in the sixteenth book: the reconciliation of the civic religion

with a Greek philosophical theology, influenced by Middle Platonism.⁴² Even Varro's notorious claim that Romans worshipped the gods without images for the first 170 years of their history was effectively a statement about the religious material culture of his contemporary Rome and a support for his overarching theory.⁴³ According to Varro, no contemporary icons went back to the time of Numa or Romulus; rather, Tarquinius Priscus and others introduced them later for the edification of the people.

Lucius Cincius's *Mystagogicon* provided a different type of rhetorical approach to the monuments of Roman religious culture.⁴⁴ Rather than placing the architecture within broader interpretative grids of philosophical thought, it is likely that Cincius described the temples of the city of Rome in the form of a tour for visitors. Based on the title and two remaining fragments from the work, Cincius's book took periegetical form, like the extant and much more famous *Periegesis* of Greece by Pausanias.⁴⁵ The Greek title holds a double meaning: the teacher of religious mysteries and a guide for visitors to temples in Greek cities.⁴⁶ The rhetorical form of this writing down of religious material culture in the form of a guidebook was a systematizing gesture, turning physical material into legible text. So, for example, a fragment records a golden crown dedicated to Jupiter by Cincinnatus in the early Republic and explains its weight in contemporary measurements.⁴⁷ Another passage, preserved by Livy, discussed an old inscription on the side of the Capitolium sacred to Minerva that recorded an annual tradition when the *praetor maximus* hammered a nail into the building.⁴⁸ We do not have enough of the work to say much about its selectivity—both fragments discuss the Capitoline temple—but what we do have suggests that its focus was on the archaic aspects of Roman religious material culture, an interest that is well paralleled in Pausanias's work.⁴⁹ This kind of rhetoric ("next on the left is a crown dedicated by . . .") was itself a technique for textualization that set the art and architecture of cult in Rome within a bookish "Roman religion."

Beyond the particulars of civil-theological writing about specific religious monuments, this rhetoric had consequences for the overall shape of "Roman religion." Spaces and places in the city were made to contribute to the goal of writing down Roman religion as an object. It is this aspect of Varro's *Antiquities* that provoked Cicero's response in the prologue of the *Academic Books*: "We were wandering and roaming in our own city like outsiders, it was as if your books led us home so that we could finally know who and where we were."⁵⁰ If Roman religious phe-

nomena needed to be understood by reference to this urban frame, the civil theologians were writing down “Roman religion” as the religion of the city of Rome itself. Even though some modern historians of Roman religion have similarly taken the city of Rome as the “natural” basis for Roman religion, this was (and is) an arbitrary delimitation, one that fit awkwardly with the complex realities of the religious landscape. Instead, the rhetorical use of the architecture and art of Rome in works of civil theology marked out “Roman religion” as a discrete, metropolitan object.

Alongside the urban rhetoric of civil theology, the authors also used the practice of ethnography to delineate a specifically Roman religion. Following Greek models, ethnographic writing had been a significant element in Roman literature from its beginnings and the act of writing down Roman religion seems to have often provoked comparison with the gods and habits of worship of other Mediterranean peoples.⁵¹ For example, in his *On the Nature of the Gods*, Cicero writes, “if we wish to compare our customs with those of foreign peoples, in other respects we would be found to be equal or even inferior, but we are much superior with regard to religion, which is worship of the gods.”⁵² Ethnographical language differentiated a set of *Roman* beliefs and practices (*cultus deorum*) from those of other Mediterranean peoples, especially the Greeks. Cicero uses this trope extensively in his theological dialogues, *On the Nature of the Gods* and *On Divination*, where general arguments about the nature of divinity and divination respectively are constantly related to “Roman,” “Greek,” and “barbarian” religious data. The opening passage of his *On Divination* provides some clear examples of how this ethnographic rhetoric played out.⁵³ The first sentence of the work claims that divination is acknowledged by both the Roman people and all other peoples (*ea et populi Romani et omnium gentium firmata consensu*). Cicero then goes on to explain that the Roman term *divinatio*, which connects the phenomenon with divinity, is much more appropriate than the Greek word *mantikē*, which links it with mania.⁵⁴ This sets up the dialogue’s alternation between the general phenomenon and culturally specific forms of divination. As Brian Krostenko has shown, this alternation plays out differently in the two books.⁵⁵ In the first book, the character of Quintus Cicero, a supporter of the possibility of divination, switches between appeals to Roman and foreign *exempla* to support his points; in the second, the skeptical character of Marcus Cicero separates respectable Roman practice from the foreign targets of his critique.⁵⁶

The effect of this ethnographic rhetoric, in both books, was to delimit Roman divinatory practice repeatedly from that of other peoples. Despite the lack of consensus over the basis of the science between the two speakers in *On Divination*, one of its achievements was the making of a particularly Roman practice of divination.

Similar ethnographic rhetoric can be found in the earlier dialogue *On the Nature of the Gods*. Here also, Cicero the author assigned various opinions about the theology of polytheism to dialogic personae. One character, Cotta, is presented as a skeptic and unfavorable toward conventional religious beliefs and practices, but, like Marcus and Quintus in the *On Divination*, he too marks out a place for Roman practice in opposition to Greek philosophy. At the start of his speech in Book Three, he criticizes Stoic theologizing: “When there is any discussion about the gods, I follow Ti. Coruncanius, P. Scipio [Nasica], and P. Scaevola, *pontifices maximi*, not Zeno nor Cleanthes nor Chrysippus; and I stick to C. Laelius, an augur and a wise man, whom I would rather hear discuss religion in that famous speech of his, than any of the famous Stoics.”⁵⁷ The contrast between Roman authority and Greek philosophy is patent. Cotta does something very similar in his refutation of the Epicurean position in the first book, using loaded ethnographic rhetoric to align the Greek Epicurus with the notoriously irreligious barbarian Xerxes against the old Roman priests: “You would say that you were listening to Ti. Coruncanius and P. Scaevola, *pontifices maximi*, rather than one [Epicurus] who destroys the religion from the foundations not with his hands, like Xerxes, but overturns temples and altars with ‘logic.’”⁵⁸ In juxtaposition with discussion of Greek philosophical ideas, ethnographic rhetoric in Cicero’s theological dialogues marked out a specifically Roman religious tradition.⁵⁹

Use of (so-called) *interpretatio Romana*—the common technique of asserting an identity between a foreign deity and a Roman one—contributed to the ethnographic construction of Roman religion. This was a practice that was necessary and common for polytheistic religious life: in the mobile world of the ancient Mediterranean, traveling Romans needed to know which god to worship when they arrived in far-off places. Similarly, provincial elites had an interest in relating local deities to the gods of the imperial power.⁶⁰ *Interpretatio*, which was fundamentally a linguistic move of translation, also provided an intellectual tool for comparing and differentiating the Roman pantheon

from the gods of other peoples. For example, Varro, as part of a quasi-monotheistic argument for the supremacy of Jupiter, claimed that the Jewish god, Iao, was equivalent to Roman Jupiter.⁶¹ Varro had it both ways: his universalizing philosophical point buttressed the distinctiveness of Roman practice. Cicero also used *interpretatio* to support his theological points and to mark off “Roman” customs. In the *On the Nature of the Gods*, the skeptic Cotta points out that Juno in Rome looks nothing like Juno (i.e., Hera) in Argos, that Jupiter on the Capitoline is not like Jupiter (i.e., Zeus Hammon) in Africa.⁶² Here too Cicero asserted both the equivalence and difference of Roman and foreign deities.

Nigidius Figulus, a contemporary of Varro and Cicero, appears to have been particularly committed to setting Roman cult alongside the religious thought and practice of neighboring peoples. On the terms of *interpretatio*, he explained that the Roman Lares were equivalent to both the Greek mythological *kourētes* and the Samothracian Dactyli.⁶³ Ingeniously, he also suggested the Roman Janus was the equivalent of both Greek Apollo—in his forms as *Thuraios*, god of doorways, and *Aguieus*, god of city streets—and Diana.⁶⁴ For Varro, Cicero, and Nigidius Figulus, the claim that “Roman X is the equivalent of foreign Y” generated a specifically Roman phenomenon against a background of global religious practice.

Nigidius’s name is also associated with a bolder act of translation: the rendition into Latin of a remarkable Etruscan brontosopic (thunder-divination) calendar.⁶⁵ The substantial document is now only preserved in the Greek of the sixth-century Byzantine author John Lydus, but it plausibly translates Nigidius’s late Republican Latin.⁶⁶ For each day, a brief notice explains the significance of thunder on that day; so, for example, we read:

- | | |
|--------------------------|--|
| <u>9th day of June:</u> | if it thunders, animals will be lost to an attack by wolves; |
| <u>10th day of June:</u> | if it thunders, there will be much death, but prosperity all the same; |
| <u>11th day of June:</u> | if it thunders, there will be harmless heat, and the state will be well ordered. ⁶⁷ |

Whatever the exact age and provenance of the original—it is the subject of significant scholarly debate—Nigidius’s translation did not merely

replicate the Etruscan text but also domesticated it: at the end of his Greek version, John Lydus writes that “Nigidius claimed that the brontoscopic calendar did not have universal validity, it was for Rome alone.”⁶⁸ We find in Nigidius’s work, then, not simply a translation of foreign religious lore, but an act of appropriation—a text explicitly produced for the city of Rome in particular. Unlike Varro, who excluded the *haruspices*, but like Cicero, he appears to have admitted Etruscan components into his written Roman religion—without compromising the Roman identity of that cultic system.⁶⁹ His calendar was a bravado piece of civil theology: not only did he write down Etruscan religious science in Latin—effectively incorporating it into the metropolitan religious archive—he limited its validity to the imperial city.

Not all the elements of civil-theological style described “Roman religion” as a specifically Roman and urban phenomenon; another set of scholarly tools and rhetoric was focused on establishing Roman religious culture as a product of the distant past. The most important of these tools was etymology, the study of the origins and meanings of words, which is found very frequently in the fragments of late Republican writers on religious topics. Etymologies provided significance to religious ideas and practices. The Roman civil theologians certainly had a *penchant* for etymology as an intellectual technique to the point that Roman writing on Roman religion has sometimes been reduced to merely etymological practice, but this overlooks the substantive role of etymology in turning Roman religious culture into an intelligible object.⁷⁰

Etymology was the focus of much intellectual activity in the Hellenistic period, particularly in the fields of rhetoric and philosophy.⁷¹ The dominant trend was toward sophisticated forms of etymological naturalism: the idea that words are naturally related to the things that they signify.⁷² The Stoics, in particular, seem to have held a view that original philosophical lawgivers invented individual languages and assigned the “natural” names to objects.⁷³ This naturalist notion supported the idea that words had a “true” meaning that could provide a window on their origin. It may have been obscured through usage and time, but the origin was available through the word’s etymology. The appeal of this linguistic concept of etymological naturalism for the Roman intellectuals is patent: the availability of the true meaning of the word allowed them to use etymological exegesis to explain the significance and origin of institutions through their names.

Examples appear even in the fragments of the earliest antiquarian texts. M. Fulvius Nobilior's work on the Roman calendar, which was located in his new temple of Hercules Musarum, built in the 180s BCE, explained the months of May and June by etymologies (*Maius* < *maioribus*, *Iunius* < *iunioribus*) that related to Romulus's division of the male population into *maiores* (seniors) and *iuniores* (juniors).⁷⁴ L. Cincius makes a similar move: shrines (*fana*) were originally called *faunae* after the god Faunus. In the same passage, this original name is apparently retrojected to the time of the mythical king Evander.⁷⁵ Later in the second century, L. Aelius Stilo, a professed Stoic, appears to have promoted etymology as a vehicle for analysis of Roman institutions.⁷⁶ A few of his etymologies have been preserved: the name of the divinity Dius Fidius can be etymologized as "son of Jupiter"; *monstrum* (portent) means "warning" from the verbal form *monendo*; a *victima* (sacrificial victim) was named after the *vigor* of a calf.⁷⁷

Following these authors, the use of etymology as a tool to write down Roman religion in terms of archaic origins was enthusiastically taken up by Varro, a student of Stilo. He offered hundreds of etymologies related to religious matters, some of which are preserved as fragments of the *Divine Antiquities*.⁷⁸ Many more are found in the *On the Latin Language* (Books 5–7), where the direct manuscript transmission of the text allows a clearer view of Varro's ideas about etymology and the textualization of the origins of Roman institutions. In the preface to the fifth book, he apparently summarizes the contents of the previous three theoretical books on etymology (now lost). He divides etymology into four levels: the popular, the poetic, the philosophical, and the fourth step, which he enigmatically calls "the sanctuary and the royal origins."⁷⁹ Later in the same passage, he makes clear that he envisions original royal nomothetes who assigned the Latin names to things. He promises that he will not neglect the ancient origins of words, "which King Latinus had previously invented." After all, he writes, "did those words of mine not come by inheritance from King Romulus?"⁸⁰ Varro uses the Stoic idea that primeval kings invented language and were the givers of names, perhaps suitably Latinized and Romanized as Latinus and Romulus.⁸¹ In other words, Latin etymology was an archive for early Roman history. When Varro offered an etymology for a religious name or term, he made claim about the foundational (the natural and, so, true) meaning of that word and, by extension, the religious institution.

For example, he argued—like many modern philologists—that the word *pontifex* came from the words *pons* (bridge) and *facere* (make or build), because of their role in the construction of the first bridge in Rome, the *pons sublicius*.⁸² In turn, the association with the building of the bridge connected the priesthood to the reign of Numa, the supposed date for the first wooden bridge across the river.⁸³ Etymology, particularly in its developed Stoic form, was a pivotal intellectual tool for civil theology precisely because it offered a quasi-scientific basis for claims of early origins for Roman religious institutions.

Etymology as a tool for talking about origins was complemented by another trope, the revelation of the obscure or hidden fact, which also allowed the intellectual authors to imply access to original truths. The title of L. Cincius's work, *Mystagogicon*, is a good example—the word suggests that the text will initiate the reader into the details of Roman religious architecture.⁸⁴ A work by Valerius Soranus, dating from the early first century, titled *Eoptides*, had already used the language of initiation. The title can be translated as “Female Initiates,” corresponding to the word *eoptēs*, used of male initiates into Greek mystery cults at Eleusis and Samothrace.⁸⁵ The mystical language of the titles of Soranus's and Cincius's works did not signal that they were hermetic works for a religious in-group; rather, they implied the publication of information for their (admittedly elite) readers. There is also a clear cultural politics to the Greek titles, suggestive of both the exoticism and the rationalism associated with Greek thought at Rome. In fact, Valerius Soranus's *Eoptides* was the first book in Latin to have a table of contents, implying a concern to clearly organize information for readers.⁸⁶

Varro also used this rhetoric of mystery in the sixteenth book of the *Divine Antiquities*, where, as I have already discussed, he claimed that natural theology was encoded in the cult images of his “significant gods.” It was here that Varro deployed the trope of revelation: these hidden truths were only visible to those initiated into the “intellectual mysteries” (*doctrinae mysteria*).⁸⁷ The revelation to his readers of these mysteries, a version of Middle Platonic theology, was, according to Augustine, the subject of this final book.⁸⁸ This was the function of the rhetoric of revelation: the authentication of the textualizing activity of the civil theologian.⁸⁹

The fragments of Varro's *Antiquities* provide examples of another, less mystical, form of this rhetoric of revelation. For Varro, deployment of

the trope of the forgotten or little-known fact is tied to the assertion of the distant origins of Roman religion. Recall Cicero's compliment to Varro: "We were wandering and roaming in our own city like outsiders, it was as if your books led us home so that we could finally know who and where we were."⁹⁰ The implication is that Varro was writing down the forgotten truths about Roman culture (and in the *Divine Antiquities*, about Roman religion). Cicero's suggestion responded to the rhetoric of the *Antiquities*, which apparently claimed a mission to save Roman religion from oblivion.⁹¹ The rhetoric surrounding Varro's account of the construction of the Capitoline temple is characteristic of this claim. According to Augustine's report, Varro boasted that only the very learned (like himself) knew of the presence of the gods Mars, Terminus, and Iuventas in the central temple of the city. According to Varro, when Tarquinius Priscus came to construct the Capitolium for Jupiter, three deities—Mars, Terminus and Iuventas—refused to cede their prime real estate to the new temple.⁹² Only a few obscure signs revealed to the *cognoscenti* that these three gods still had a place inside the temple. This was not the only Varronian revelation about the Capitolium. He explained that before the building of the new temple, Summanus, the god of nighttime thunderbolts, had been more popular than Jupiter, the god of diurnal lightning; once Jupiter had his prominent new home, the people started to prefer to worship him.⁹³ By Varro's time, Summanus was notoriously obscure.⁹⁴ In both these cases, the rhetoric of revelation justified the writing down of the monument in terms of archaic origins. Being able to relate something that almost nobody else remembered supported the idea that the "real" Roman religion was ancient and now only available through the diligence of the civil theologian.

This diligence supported claims of antiquity for selected elements of Roman religious culture. A fragment from M. Valerius Messalla Rufus's work on augury declares that the meaning of the word *Marspedis* found in an old prayer formula was indiscernable.⁹⁵ Messalla advertised the obscurity of the word, with a similar discursive goal to Varro's deployment of the little-known fact. In this case, the failure of knowledge authenticated Messalla's intellectual *bona fides* and, by implication, asserted the deep antiquity of Roman religious vocabulary. Rhetoric of obscurity and revelation did important work in the overall project of textualization of Roman religion. In both initiatory and scholarly modes,

it acted as a tool for the civil theologians to write down the origins of Roman religious tradition.

In sum, the style of civil theology—the bundle of intellectual tools and rhetoric that contributed to the written “Roman religion”—dominates the surviving texts of civil theology. The details and topics differ between authors and between works, but the style persists. How these authors wrote about Roman religion was more significant than what they wrote about it. The style established “Roman religion” as a legible subject in two ways. First, they worked to establish a particularly Roman and urban religious system, delimited by the use of lists, by reference to the material culture of the city, and by ethnographic rhetoric. Second, they made claims of antiquity for selected elements of Roman religious practice and thought, backed by the Hellenistic science of etymology and rhetorical appeals to mystic initiation and scholarly diligence.

The common style of civil theology can be found in almost all late Republican texts that write down “Roman religion.” Varro’s *Antiquities* was the outstanding work of this type, but that writer’s intellectual brilliance and the—consequent—relatively good preservation of his book should not encourage his historiographical isolation. The style was shared by many writers, even when they did not agree on the details. We have already seen some apparent differences over the presence of Etruscan divination in Rome. In another example, Cincius explained that the word for shrines (*fana*) was etymologically linked to the god Faunus and the reign of King Evander. By contrast, Varro claimed that the word related to the speech act by the *pontifices* (Latin *fari*) that constituted the dedication of the shrines.⁹⁶ Regardless of the merits of either opinion, the two authors shared the project of writing down selected elements of Roman religious culture and the assumption that etymology provided a tool that could render this culture legible, even as they disagreed on the details. Writing down “Roman religion” on the terms of civil theology was not a virtuoso experiment but a project—collaborative in outlook but not lacking disagreement and debate—pursued by members of the Roman elite across a period of over a century.

Writing Down: The Language of Law

Beyond the common style of civil theology, however, the writing down of “Roman religion” also at times drew on the language of Roman civil

law. Several intellectual written works on Roman religion from the second and first centuries were framed as treatises on pontifical, augural, or sacral law (*ius*). The titles alone are revealing: from the second century, we have fragments from Fabius Pictor's *On Pontifical Law*; from the first century, we know of Appius Claudius Pulcher's *On Augural Law*, Messalla's *On the Auspices*, Veranius's *Pontifical Questions*, and Trebatius Testa's *On Religious Duties*.⁹⁷ These books borrowed from the language and style of works on civil law, which had been written since the early second century, to group and codify Roman religious institutions and rituals into apparently meaningful rule-based systems.⁹⁸ Like contemporary texts on civil law, these works on pontifical and augural law included verbal formulae, definitions of terms, and the description of categories.⁹⁹

Despite the titles and legal rhetoric, however, we should not think of these works as authoritative legal handbooks, either in a modern sense or even in comparison to the (semi-authoritative) works on civil law produced by some of the same authors.¹⁰⁰ There probably was a pre-existing notion of something like "religious law," but it was a mix of ad hoc pontifical decisions, customary ritual practices, and some preserved oral formulae for prayer and song.¹⁰¹ On the whole, though, the pontifical and augural law were the creations of the theologians.¹⁰² The form of the *Divine Antiquities* of Varro, which covers very similar subject matter to the fragments from the writers on augural law and pontifical law but does not take the form of legal commentary, exposes the rhetoric of these books.¹⁰³ The religious jurisprudential treatises were descriptive works moonlighting as normative handbooks.¹⁰⁴ In other words, this legal style was a choice, which enabled authors to use written rules as vehicles for the writing down of religious data and, in many cases, to claim that these sacred regulations dated back to the earliest period of Rome's history.

Like civil theology as a whole, these texts are now for the most part only legible through quotation in later authors, notably Festus's lexicon and Aulus Gellius's miscellany, but a few of the more substantial examples exemplify the application of jurisprudential style to Roman religious practice. The selection of the rules given by Fabius Pictor for the *flamen Dialis* demonstrates legal language applied to religious ritual: "It is forbidden for the *flamen Dialis* to be carried on horseback . . . it is forbidden for the *flamen Dialis* ever to swear an oath; it is forbidden for him to use a ring unless it is perforated and broken. It is not lawful (*ius non*

est) for fire to be taken from the *flaminia*, the house of the *flamen*, unless it is for rites.”¹⁰⁵ Fabius Pictor’s list continues in a similar vein for two pages of Oxford Classical Text. Despite the language of law (*ius*), these were not rules for the *flamen Dialis* to live by; rather, they represent a textual move by Fabius to give a meaningful account of the practices of the priesthood. Aside from comments clearly inserted by the imperial writer Aulus Gellius, who transmits the fragment,¹⁰⁶ the juristic present tense in the text conveys a sense of timeless prohibitions and duties that must hide a more complex history of the development of these taboos.¹⁰⁷ In the section quoted above, Fabius elides a detail that we know from Livy: at the start of the second century (199 BCE) the prohibition on swearing an oath had been altered to allow a proxy to swear on behalf of the *flamen*, which enabled a *flamen Dialis*, C. Valerius Flaccus, to become an aedile.¹⁰⁸ Changes in religious practice are held under erasure by the rhetoric of the passage; rather, the ahistoricity of Fabius’s account implies that these are *the* rules for the priesthood, excluding any historical developments. In place of a historicized account, the language of these sacro-jurisprudential texts gives the impression of a primordial set of religious regulations.

Authors of jurisprudential texts did not just rely on the timelessness of the legal language, but also actively asserted the distant origins for supposed ritual rules. Messalla retrojected a feature of augural law to the competition between Romulus and Remus for the right to found the city. He suggests that the Aventine hill was excluded from the sacred boundary of the city (*pomerium*) because Remus’s failed auspices were taken on that hill.¹⁰⁹ A fragment of the *Pontifical Questions* by the late Republican writer Veranius presents a regulation for the cult of Hercules at the Ara Maxima as set by the god himself at the establishment of the cult:

Veranius in that book on pontifical affairs where he discusses supplication rituals writes thus: Hercules ordered (*praecepisse*) the Pinarii, who arrived last, when the meal was already finished and the diners were already washing their hands, that neither they nor their descendants should taste anything from the tenth part of the sacrifice on their behalf, but they should only come for the sake of serving, not to the banquets; therefore, as if servants, they are called guardians of the cult.¹¹⁰

The aetiology for the cult of the Ara Maxima generates rules (*praecepta*) that are apparently incorporated into a jurisprudential text on religious rites. Veranius focused on a practice that probably still obtained

in his time—the service of the Pinarian *gens* in the cult—but ignores the part of the traditional story that Hercules gave the main role in the cult to the Potitian clan.¹¹¹ According to Livy's version of the same story, the reformist Appius Claudius Caecus deprived the Potitii of their role in the cult in 312 BCE; portentously, the family died out within a year.¹¹² Veranius, in contrast to Livy's historical interest, was interested in the story as an aetiology for a current ritual practice. The other fragments from the same work are more conventionally civil-theological: explanations of the meaning of the sacral terms *eximia*, *praesentanea*, and *oletum*; a recipe for the sacred dish *muries* made by the Vestal Virgins; a list of propitious trees.¹¹³ All are presented in the present tense as legal definitions or regulations. The narrative of the Pinarian *gens* was inserted into a jurisprudential text in order to frame the ritual role of the clan in terms of an original "law."

Cicero's *On the Laws*, although formally a philosophical dialogue in genre, provides a written version of Roman religion both in the language of the law and in terms of a distant foundation by Numa. In the first book of the dialogue, Cicero sidesteps the question of normativity and explicitly abjures the sort of jurisprudential style adopted by writers of books on civil or sacral law.¹¹⁴ In the second book, however, when he sets down his legislation, Marcus, the main speaker of the dialogue, gives a list of laws as a religious constitution in a Latin prose that was designed to evoke—vaguely—the language of the Twelve Tables and Roman legislation.¹¹⁵ The balance of the book provides a commentary, in dialogue form, that may well have had much in common with earlier writings on the Twelve Tables by Aelius Paetus and Aelius Stilo.¹¹⁶ Modern scholars have either mined these religious laws for information about Roman religious practice or dismissed them as an exercise in Ciceronian solipsism; it is better to understand them as part of the wider discourse of civil theology.¹¹⁷ As Quintus exclaims at hearing Marcus's constitution, the laws approximated both current practice and "the constitution of Numa."¹¹⁸ Although influenced to some extent by the utopian works of Plato and other Greek predecessors, the second book of *On the Laws* was another deployment of the characteristic rhetoric of legislation, parallel to more explicitly jurisprudential rhetoric, as a way of producing a selective textualized version of Roman religious practice.¹¹⁹ The somewhat archaizing legalese of the "laws," the explicit justification of them in terms of the customs of the ancestors (*mos maiorum*)

by Marcus and the assimilation of the overall construction to the “constitution” of Numa by Quintus all support the idea that these laws constitute a version of religion that is both parochially Roman and substantially traditional.¹²⁰

Cicero might not have been the only person composing a religious constitution of Numa in the late Republic: Granius Flaccus, whom we have already met as the author of the book *De Indigitamentis*, wrote a work entitled *On the Papirian Law*. The *Papirian Law*, according to Dionysius of Halicarnassus and the famous potted history of Roman law by Pomponius that is preserved in the *Digest*, was a text of the legislation of the kings collected by the legendary *pontifex maximus* Sextus Papirius.¹²¹ If an enigmatic reference in Servius’s commentary on Virgil to a *lex Papiria* refers to this collection of laws, they were apparently mostly associated with Numa and were concerned with religious ritual (*de ritu sacrorum*).¹²² There has been extensive modern scholarly controversy for over a century around the *Papirian Law*. Are the laws “real” regal-period laws? When were they collected? When were they published? Given the evidence, absolute answers are elusive. The first attestations appear only in the Caesarian age. An earlier date seems unlikely: we have already seen the difficulty of publishing a collection of “Numa’s” pontifical laws in 181 BCE and, even in the late Republic, Cicero apparently had no knowledge of this Sextus Papirius.¹²³

Despite the controversy, scholarly consensus since the nineteenth century has suggested that Granius Flaccus himself made the collection and assigned authorship to a mythical Papirius.¹²⁴ The *Papirian Law* did not exist outside its own commentary. This is not to say that the collected laws are necessarily made up, though, of course, we cannot now assign them to a seventh-century king. In fact, if they were significantly out of touch with contemporary practice, the work would not have been credible.¹²⁵ Granius’s book was a literary achievement: it turned apparently miscellaneous cult regulations into a body of Numaic law. The few remaining secure fragments of Granius’s work suggest that it was a jurisprudential commentary on selected laws: he apparently defined as “concubine” the word *paelex*, found in a law of Numa: “A *paelex* may not touch an altar of Juno. If she touches it, she, with loose hair, should sacrifice a female lamb to the goddess.”¹²⁶ Another fragment explains that a table is an acceptable substitution for a sacrificial altar.¹²⁷ The retrojection of cultic regulation to Numa and the other kings (certainly not

Granius's original idea) was here made into the central conceit of a book. A mass of religious practice was turned into a written body of law, complete with commentary.

Writing down elements of Roman religious culture in terms of law advanced the overall project of civil theology: the textual production of a distinctive "Roman religion." For the most part, historians have overlooked this particular legal rhetoric by bundling these works with other so-called antiquarian texts.¹²⁸ The jurisprudential texts did share many of the features of civil theological style—notably, use of enumeration and taxonomic systems, of etymology and of a rhetoric of diligence—but the choice to borrow the language of the civil law was significant, as it enabled authors to suggest the fixity and traditional origins of this system. Where we can read the specific claims in the fragments that remain, the idea of a body of religious law passed down from Numa (or even earlier) supported the selective textualization of particular rituals and customs.

Writing Down: From Texts to Books

Granius's use of a commentary to generate a body of Numaic law draws our attention to another component of textualization. The style of the texts mattered greatly, but the material form of these books could also contribute to civil theology. Scholars of intellectual life in the modern period have emphasized the importance of the material form of the book as part of scholarly practice. Although the evidence for first-century Rome is not as plentiful, we have enough to glimpse the role of material textual practices in the wider intellectual project of civil theology. Establishing the texts of religious documents, including ritual hymns and priestly records, and commenting on them formed a significant part of intellectual activity in the late Republic.¹²⁹ The scholarly tactics developed by the Greek *literati* working in the Alexandrian library were turned on these texts, rendering them authoritative and legible. Although the contents of these works were frequently truly archaic, their production in "modernized" form was a textualizing gesture, just as rhetorical as the systematizing treatises.

The *Annales Maximi*—the records of the *pontifex maximus*—are perhaps the most prominent example. The original document was a sacerdotal chronicle that listed the major public events of the year and was

published by the *pontifex maximus* on a whitewashed board outside the *Regia*.¹³⁰ The contents apparently included the banal and the exceptional: food prices, lists of magistrates, military campaigns, famines, eclipses, and prodigies. John Scheid has convincingly suggested that the purpose of this record keeping was religious: it allowed the *pontifices* to determine the outcome of the vows to the gods made every year by the consuls on behalf of the city.¹³¹ This chronicle was discontinued, at least in its public form, by the *pontifex maximus* P. Mucius Scaevola in the late second century BCE. References to the *Annales* dating from the second and early first centuries refer to this terse pre-Scaevolan document.¹³² In a major reevaluation of the evidence for the *Annales Maximi*, Bruce Frier demonstrated that an eighty-book edition of the chronicle was known by Verrius Flaccus in the Augustan era, suggesting that his edition had been produced at some point in the mid-first century (between Cicero and Verrius Flaccus).¹³³

The new edition of the chronicle included book divisions and the fixing of the title of the document as the *Annales Maximi*. Even in the works of Cicero, the records of the *pontifex maximus* are referred to variously as *Annales Publici*, *Annales Populi Romani*, and *Annales Pontificum Maximorum* as well as *Annales Maximi*. After the publication of the new edition, the name of the work was apparently fixed as *Annales Maximi*, the name transferred from the *pontifex maximus*.¹³⁴ The extant fragments from this eighty-book version also suggest that the style of civil theology, especially the concern with origins and explanations for institutions, expanded the bare bones of the official document. Setting aside the question of the extent of these alterations to the original, the publication of the *Annales Maximi* was part of the wider textualization of “Roman religion.” Even if this publication was a bare reproduction of existing archival texts, the addition of paratextual features, familiar from Alexandrian scholarship on Homer, such as book divisions and a title, turned this religious document into a “book.”¹³⁵ This maneuver transformed the priestly chronicle, a product of pontifical practice, into a definitive and legible text.

Something similar was done to the Salian Hymn, the ritual hymn of the Salian priests, allegedly written by Numa himself and apparently the oldest piece of poetry in Latin.¹³⁶ This clearly very old song formed a central part of the ritual performance of the martial priesthood, who sang and danced a three-step (*tripudium*) in military dress twice a year

in March and October.¹³⁷ As a ritual hymn, and unlike the *Annales Maximi*, the Salian Hymn was originally an oral artifact, perhaps only written down to ensure correct performance.¹³⁸ We do have some knowledge of the words of the hymn, albeit, as with the *Annales Maximi*, only in fragments.¹³⁹ To compound this situation, the archaic language of the hymn was soon compromised in manuscript transmission: our longest fragment, for example, starts with an unintelligible chain of letters: *cozeulodorieso*. Although the document itself sits tantalizingly on the horizon of our historical knowledge, we do have clear sight of the late Republican and Augustan attempts to transform the archaic hymn into a legible text. At the start of the first century, Aelius Stilo wrote a work called *Commentaries on the Salian Hymn* which apparently offered etymological explanations for the obscure language of the song.¹⁴⁰ There is, however, another level of textualization implied by Stilo's commentary. Assuming that it took a form similar to other ancient commentaries (there is good evidence for his knowledge of Alexandrian literary critical scholarship¹⁴¹), his book would have been keyed to a written text of the Salian Hymn. The very fact of commentary writing turned the hymn from oral text into written book. The effects of this transformation are visible in the pattern of later quotation of the song. Almost all surviving quotations of the hymn are found in the same authors (Varro and Festus) who refer to Stilo's book, a fact which led Gerhard Radke to suggest that these later quotations of the song depend on Aelius Stilo's commentary.¹⁴²

It is also possible that Stilo's commentary fixed Numa's authorship of the hymn. As we have already seen with the work of Granius Flaccus, the civil theologians were very interested in Numaic pseudepigraphica. An appropriate comparison for such a commentary on a pseudepigraphic text is the Derveni Papyrus, from fourth century BCE Greece, in which an allegoristic commentator explains a poem pseudepigraphically assigned to the mythical hero Orpheus. The commentator continually refers to what Orpheus says or "really" means.¹⁴³ We do find the words of "Numa" in the Salian Hymn cited in this way in one passage from the grammatical tradition: Terentius Scaurus (second century CE) cites two lines of the hymn in his *On Orthography* with the introductory phrase "as Numa writes in the Salian Hymn" (*ut Numa in Saliari Carmine*).¹⁴⁴ If Stilo wrote about the Salian Hymn in a similar way, and in the absence of direct evidence this must remain simply a suggestion, references to

“Numa’s” meaning may have cemented the pseudepigraphic attribution of the Roman ritual document. Nevertheless, whether he ascribed it to Numa or not, Stilo’s commentary transformed the archaic hymn into a book.

Textualization was not limited to the writing down of Roman practices and ideas about gods; in the cases of the *Papirian Law*, the Salian Hymn and the *Annales Maximi*—as well as Nigidius Figulus’s translation of the brontoscopic calendar—existing religious documents became books at the hands of intellectual editors. This intervention, I suggest, whether the addition of paratext or commentary writing, was part of the wider project of civil theology. The establishment of these texts served both the creation of a legible “Roman religion” and the claim that this religious system had a traditional connection with the earliest period of Roman history.

Religion in the Books

Textualization did not capture all of the different modes of relating to the gods found in the Roman city and its imperial territory. Rather, this was a tendentious project; elite writers wrote down a particular constellation of practices, institutions, and ideas as a “religion” that was both distinctively Roman and ostensibly archaic. This constellation may strike readers as familiar; it was spectacularly successful. I will trace this success in antiquity in the second part of this book. In modernity, through the surviving works of Cicero and, at a remove, those by Livy and Augustine, civil theology’s legible religion became Rome’s “civil religion”—first in early modern thought from Machiavelli to Rousseau and then in modern historical reconstructions of Roman religion.

In service of legibility, civil theology relied on an intellectual arsenal forged in other domains: Greek philosophy, Hellenistic textual scholarship, and Roman jurisprudence. The arrival of Roman legions in Greece at the end of the third century BCE had opened a period of intense contact between elite Greek culture and the Roman aristocracy.¹⁴⁵ As Horace famously put it, “captured Greece captured her wild conqueror and brought her arts to primitive Latium.”¹⁴⁶ He was thinking of literary forms, but Hellenistic philosophical systems and modes for the organization of knowledge came to Rome in the late Republic too. As we have seen, Stoic and Middle Platonic thought on language and cosmology had

a marked effect on the ways that Romans analyzed their own religious culture. Greek philosophy already had a long tradition of discourse on the gods, “theology”; in the Hellenistic period, philosophers were not concerned with the specific deities and practices of individual city-states; they had a distinctly cosmopolitan outlook on religion.¹⁴⁷ In parallel with philosophy, Greek textual scholarship—the philological product of Hellenistic library institutions—used the papyrus book as a technology for the formation of a Greek “literature” out of the diverse performative traditions of classical Greece, particularly of epic, lyric, and tragic poetry. This textual science also arrived in Rome during the second century BCE, where it contributed to the formation of a Latin literature and supported the textualization of Roman religious documents like the *Annales Maximi* and the Salian Hymn.¹⁴⁸

Despite these clear influences, civil theology was not simply a passive adoption of Hellenic thought; instead, it was particularly Roman—it focused on the cults of the city of Rome rather than the generalized religion of Greek philosophical theology or the panhellenic canon of Greek literature that was the subject of Hellenistic textual scholarship.¹⁴⁹ There was some Greek writing on the gods and cults of specific cities—the Athenian version went under the title *Exegetika*—but it appears to have been a much more marginal phenomenon than Roman civil theology.¹⁵⁰ Aside from a reference by Varro to a work on oracles by Heraclides of Pontus, there is also little sign that any of it made it to Rome in any form that could impact on the development of the Roman learned literature on religious culture.¹⁵¹

Closer to home, we can identify a more likely influence: the growing body of literature on Roman civil law. As Aldo Schiavone has recently argued, bookish jurisprudential analysis, starting in the second century, encouraged the formalization of particularly Roman legal traditions.¹⁵² Initially, in the *Tripertita* of Sextus Aelius Paetus Catus, this may have been a fairly modest collection of earlier sources of law; by the time of Quintus Mucius Scaevola, who wrote a major work on the civil law at the turn of the first century BCE, this approached an abstraction of a body of Roman law. I have already suggested the formal influence of this writing on the sacral jurisprudential works on religion; in wider terms, if we see civil theology as an invention of “Roman religion,” it may owe something to this “invention of law.”¹⁵³ Like civil theology, civil jurisprudence owed a debt to Greek intellectual forms, but both written

discourses also shared an overwhelmingly parochial interest in the cultural practices of Rome itself.¹⁵⁴

Greek and Roman intellectual influences are only half the picture. On their own, they do not explain the textualization of religion in late Republican Rome; in order to understand the emergence of civil theology and its articulation of a “Roman religion” in this specific time and place, we must also reckon with the agency of the Roman authors themselves and the responses of their contemporary readers. With this in mind, I turn in the next chapter to the place of writing on Roman religious culture in the particular context of elite Roman society in the late Republic.

3



Letters of the Republic

THE AUSTERE LIST of Roman consular pairs inscribed in stone and set up in the Forum during the reign of Augustus—the *fasti Capitolini*—anomalously includes four names for the year that we call 162 BCE: Scipio Nasica, Marcus Figulus, Cornelius Lentulus, and Domitius Ahenobarbus.¹ The inscription briefly explains that the first two consuls had been elected wrongfully and had resigned from their office. Behind the inscription’s enigmatic notice lies a story that suggests the potential significance of books on religion for the operation of the Roman Republic. We can flesh out the telegraphic notice on the stone with a passage from Cicero’s *On the Nature of the Gods*: the augur and consul for 163, Tiberius Sempronius Gracchus, while reading books on augural matters on campaign in Sardinia, realized that when he held the consular elections for the next year he had received faulty auspices, so the election of Scipio and Figulus was religiously tainted.² The consuls were forced to resign, and Lentulus and Domitius Ahenobarbus took their place. At least one modern historian has suspected that Gracchus’s discovery in the books was a little too convenient, perhaps a move in the competitive game of Roman elite politics; others affirm his sincerity and point to his close ties with Scipio Nasica.³ Whatever his motives, Gracchus’s reading—unfortunately, we are not given titles or authors—had left its mark on Republican politics and, in time, on the Augustan stone *fasti*.⁴

Over a century later, the social role of civil theology was a theme in the preface of Varro’s *Divine Antiquities*, transmitted by Augustine. With little apparent humility, he wrote that:

he feared that the gods would perish, not by enemy onslaught, but by the neglect of the citizens, from which fate, as if saved from destruction by him, the gods would be recorded and preserved in the memory of good people (*memoria bonorum*), through books of this kind, with more beneficial care than that with which Metellus is said to have saved the holy things of Vesta from fire and Aeneas rescued the Penates from the fall of Troy.⁵

The boast is audacious: Varro and his books will do more for Roman religion than Aeneas and the courageous *pontifex maximus* L. Caecilius Metellus, famously blinded when he saved the Palladium in 241 BCE.⁶ The project is framed terms of utility: Varro is doing it for Rome. He is also careful to frame his elite audience—the *boni*—who can be counted on to read his work and keep the memory of the Roman gods alive.⁷ It is foolish to take ancient prefaces at face value—writers, then and now, like to inflate the importance of the books that they have written. But when it is set next to the story of Sempronius Gracchus, Varro’s statement points toward the social context of civil theology: the books on religion were written and consumed in the agonistic world of the late Republican Roman elite, which ruled the city and controlled the Mediterranean. This social context is the subject of this chapter: why was civil theology the product of this particular historical moment? To answer this question, we will have to consider who wrote the books of civil theology, who read them, and what the books meant in Republican society. Looking at authors like Varro and readers like Gracchus, this chapter traces how civil theology was contingent on the social forms of Roman high society in the period between the Punic War and the assassination of Caesar.

Pinning down the Republican context for civil theology requires that we set aside medieval and modern notions of “theologians” as priests.⁸ For example, the Roman Catholic category of Doctors of the Church, which comprises thirty-three theologians declared to be authoritative by various popes since 1298, embeds intellectual and theological authority in the institutional authority of the papacy.⁹ The relationship between priesthood and theology in ancient Roman culture was far less settled. On the one hand, we have already encountered Sempronius Gracchus, an augur reading about augury; on the other, Varro hints in his preface at the idea of displacing a priest—his books would outdo the service to Rome of the great *pontifex maximus* Metellus. Bearing in mind these contrasting examples, an important theme in this chapter is the

shifting roles of priests as writers and readers of civil theological texts and the relationship between priestly and intellectual knowledge about Roman religious practice and belief.¹⁰

Authors

In an influential recent interpretation of intellectual life in the late Republic, Andrew Wallace-Hadrill has suggested that we view it as a confrontation between an *ancien régime* and a band of *philosophes*, between the old aristocracy, who dominated the major priesthoods and held a monopoly of knowledge of ancestral custom—the *mos maiorum*—and a new, Italian sub-elite, who challenged this monopoly with the intellectual weapons forged in Greece.¹¹ This picture is reassuringly familiar, but the evidence suggests that the reality was more complicated. Instead, we find civil theology embedded in the sociologically messy and profoundly competitive elite society of the late Republic.¹² The Roman elite can be—and has often been—divided into groups: the nobility, the old aristocrats who could draw on a family tradition of office-holding as a social resource, versus the new men, often from Italian towns and unable to claim distinguished ancestors; the senators, participants in politics, versus the equestrians, a nonpolitical commercial class; aristocratic members of the priestly colleges versus those who were not priests; optimates, the political supporters of aristocratic privilege, versus the *populares*, members of the elite who cultivated mass followings.¹³ These social taxa have their place in understanding late Republican Rome; civil theology, however, does not belong to any one of these groups. Instead, by focusing on individual authors, we can see how books on Roman religion were written by men of different elite statuses. They were nobles and new men, priests and non-priests, senators and equestrians. Despite this variation, all the authors lived in a social milieu that valorized claims to distinction: bookish knowledge about traditional religion frequently played this role in the social performance of authors of civil theology.

Starting from the earliest attested writer of civil theology, Servius Fabius Pictor, and a group of first-century nobles and augurs—Appius Claudius Pulcher, Marcus Valerius Messalla Rufus, Gaius Claudius Marcellus, Lucius Caesar, and Publius Servilius Isauricus—we can immediately see that the civil theologians could be elite priests.¹⁴ All these authors were noble and could appeal to family traditions of priestly

office. These were insiders' insiders. We are not able to be definitive about Fabius Pictor's priestly office, but it is likely that he was a *flamen*, which still entitled him to a place in the pontifical college.¹⁵ His written contribution certainly concentrated on matters relevant to that college: the rules of conduct for the *flamen Dialis*, the details of pontifical prayer formulae and the procedure for co-option of new Vestals.¹⁶ The five noble augurs fit a similar pattern: the preserved fragments from their books focus on the technical knowledge of their college.¹⁷ There are, however, hints that there was already an augural literature in the second century, in the period roughly contemporaneous with Fabius Pictor. The story of Sempronius Gracchus reading augural books in 162 BCE reflects this activity. There is some other evidence: Valerius Messalla is able to cite the second-century writer Sempronius Tuditanus on an augural technicality—perhaps pointing to the circulation of debate on these subjects in learned circles already in the middle of the second century.¹⁸

Another, more famous, augur also belongs here. Cicero joined the college in 53, a crowning accomplishment of his career, he claimed; he was also late Republican Rome's most famous new man. This insider-outsider position affected his written construction of Roman religion. On the one hand, there is no sign that his *On Augury* differed from similar works by his posher augural colleagues. His other books that treated Roman religious topics, the *On the Laws*, *On the Nature of the Gods*, and *On Divination*, which were all written after his entry into the college, place the augurs at the center of his written "traditional Roman religion."¹⁹ At the same time, he also conducted, in all three texts, a polemic against contemporary nobles who had let the art of augury lapse. Cicero could kill two birds with one stone: this critique of the traditional aristocracy advanced the idea of a primordial Roman religion—sadly neglected by recent generations—and, at the same time, it asserted Cicero's own greater knowledge of religious practice in comparison with his noble colleagues. For Cicero, civil theology provided a tool to cement his place in the augural college: it permitted him to demonstrate his mastery of his priestly practice in the same way as other augurs did and provided a critique of his well-born colleagues.

Cicero, however, was a special case; his critique of the noble priests cannot be generalized. Instead, it was the activity of a competitive aristocratic priest asserting his mastery in front of audiences both within and beyond the priestly colleges.²⁰ The sacerdotal writing down of

Roman religion was embraced by noble priest and new man augur alike. It was not separate from the mainstream of civil theology: I find no significant differences in subject matter or intellectual form between the fragments of these authors and those written by non-priests.²¹ It is no coincidence that these priestly authors are prominent in periods when priestly practice had been placed at the center of political competition: Fabius Pictor's concern with the rules for the *flamen Dialis* comes in the wake of a continuing struggle in the late third and early second century between *pontifices maximi* and *flamines* over the compatibility of political office and priesthood.²² So too, the mid-first century is remarkable for political struggles framed around auspices and augury—the struggle over auspices between Caesar and Bibulus, the consuls in 59 BCE, is perhaps the most notorious.²³ These contexts militate against a disinterested writing down of priestly practice; it was, in fact, bound up with—and may well have intensified—the use of these practices as part of the intense competition that was characteristic of aristocratic culture in the Roman Republic.

Some civil theologians do fit Wallace-Hadrill's idea of Italian outsiders. L. Aelius Stilo, an equestrian who hailed from Lanuvium and was nicknamed "Praeconinus" for the profession of his auctioneer father (*praeco*), stood far outside the traditional Roman aristocracy.²⁴ His commentary on the Salian Hymn, the ritual hymn of a patrician priesthood, for example, explained and published the song for a readership outside the confines of the Salian college.²⁵ Similarly, the famously learned Valerius Soranus came, as his name suggests, from the Latin colony of Sora (southeast of Rome); Cicero takes pains to mark this Latin status when he refers to him in the *Brutus* and the *On the Orator*.²⁶

Outsiders perhaps, but there is little sign that Aelius Stilo or Valerius Soranus represent a revolutionary wave crashing against the solid rocks of traditional aristocratic knowledge. Aelius Stilo was close to some of the most distinguished members of the noble class; as Cicero writes, he was respected by the leading men, using a word—*honestus*—laden with elite social connotation.²⁷ His writing on Roman religious culture may have enabled his access to the Roman elite and supported his reputation. Valerius Soranus held office as a plebeian tribune and was fatally caught up in the political violence of 82 BCE. His killer, Pompey, took the time to discuss intellectual questions with him before ordering his death.²⁸ A story later circulated that he had broken a religious taboo by

revealing the secret name of Rome; more probably, his involvement in writing on religion was used against him as a post hoc explanation for his execution.²⁹ These two men, participants in the political life in Rome, may not have been able to call on illustrious ancestors but were able to draw on their intellectual activities, including their written works on Roman religion, to provide capital in the search for recognition.

Other civil theologians may well have had similar social origins and standing, but we are not able to be certain in the face of a lack of direct evidence. For the most part, family names provide the best indication. Granius Flaccus, the writer of the *De Indigitamentis*, dedicated to Caesar, and the apparent editor of the *Papirian Law*, leaves no trace on the historical record outside of his books. The clue may be in his name: the prominent Granii of the late Republic and Caesarian period were local notables from the southern port town of Puteoli.³⁰ Similarly, Veranius, who wrote on pontifical and augural subjects, was probably a member of a “new” family from Forum Novum in the Sabine hill country.³¹ If Ronald Syme was right to suggest that the name “Verania” for one of the first Vestal Virgins was inserted into the Roman historical record by Veranius, we may get a glimpse of the use of learned books as enabling the sort of claims of prominent ancestry that validated a place in the aristocracy.³² These were not nobles or priests—neither name is found on the lists of known Republican magistrates or priests—but the examples of Aelius Stilo and Valerius Soranus should caution us against assuming that they were complete outsiders to the aristocracy.

Not all of the civil theologians fit the stereotype of intellectual Italian newcomers. The most famous of them all, Marcus Terentius Varro, did not. Although he was a native of Sabine Reate, he was probably a descendant of a consular family—the general defeated at Cannae was the most notorious—and a magistrate in his own right (a tribune and praetor); this combination provided him with a secure place in the aristocracy.³³ One influential modern historian suggested that he must have been a priest (a *quindecimvir*) in order to explain his scholarly interest in religious matters, but he was probably not, in fact, a member of an elite priestly college.³⁴ Cicero’s praise in the preface of the *Academic Books*—“we were wandering and roaming in our own city like outsiders, it was as if your books led us home”—implies that Varro’s books on traditional Roman culture, especially when it came to religion, secured his value for the society.³⁵ Varro, then, had an intermediate status between

insider and outsider: he is hardly a likely figure to mount an assault on the *ancien régime*, but he was not writing from an institutional position.

Nigidius Figulus may have had a similar background: a praetor of 145 BCE could be an ancestor or relative, but there is no sign in the magistrate lists of a closer relation and his *cognomen* may suggest that an ancestor was in the ceramic trade.³⁶ Nevertheless, his political career points toward an established place in the aristocratic elite: Cicero invokes his name among illustrious senatorial supporters during the suppression of the Catilinarian putsch in 63, and Nigidius held several magistracies, culminating in a praetorship in 58. He sided with the optimate party in the civil war against Caesar before his death, in exile, in 45. Despite Nigidius's subsequent reputation as a religious charismatic, his writings on religion were not backed by a place in a priestly college. L. Cincius, the author of the *Mystagogicon*, may also fit this pattern: the Cincii had been prominent in the late third century; one had been praetor in 210/209 BCE and was an early historian of Rome. Again, we lack good evidence, but the first-century Cincius could be a descendant of this senatorial family. As with Nigidius and Varro, there is no sign that Cincius was a priest.

To sum up, the civil theologians were a mixed group, but they were all part of the Roman sociopolitical elite.³⁷ Writing down Roman religion, which was accompanied by the frequently implied—and sometimes explicit—claim to expertise regarding “traditional Roman religion,” allowed opportunities for elite self-assertion.³⁸ Civil theology could figure as part of social performance among an elite dominated by a competitive urge toward distinction. Expertise on Roman religion, as expressed in the writing of these books, did not, of course, replace more traditional avenues for competition, such as holding office and military success, but it could underwrite claims to stand out among the Republican elite.

How to Do Things with Books

In 51 BCE, Appius Claudius dedicated his *Augural Book* to Cicero. Cicero's response, a letter to Appius, is an elaborate expression of the supposed friendship between the two men.³⁹ In particular, Cicero writes, he takes the dedication of Appius's book as a sign of the strength of the bond between them and as an expression of approval of Cicero's recent

adlection into the augural college (in 53).⁴⁰ The letter lays bare the link between the dedication of a learned treatise on Roman religion and the social ties of elite friendship and augural collegiality—*collegique coniunctio*. Cicero uses a litany of the Latin terms for elite social connection and positioning—*studium, officium, existimatio, dignitas, necessitudinis officia, non mediocre vinculum*.⁴¹ The example of Appius's dedication and Cicero's response demonstrates the importance of considering audience for understanding the social context for civil theology. For civil theology, readership particularly mattered, since books on religion were implicated in the dynamics of Republican social prestige. Who, then, was the readership for civil theology?

Tracking down the actual readers of these books is extremely difficult: there is very little direct testimony of the contemporary readers of these books and, as in all premodern societies, we can discount the possibility of a broad reading "public."⁴² Cicero's writing offers some faint illumination. We have already encountered his story about Sempronius Gracchus's Sardinian reading. Several more examples of this kind can be added: Cicero reveals in the *On the Laws* that he was a reader of the technical books by his augural colleagues, Appius Claudius and Claudius Marcellus; his *Brutus*, which mentions several learned writers on Roman religion, is testimony to his familiarity with the work of Servius Fabius Pictor, Aelius Stilo, and Valerius Soranus.⁴³ Cicero's reading can be paralleled elsewhere: civil theologians read other civil theologians. Varro, for instance, refers to Aelius Stilo's commentary on the Salian Hymn, and to Valerius Soranus on monotheism, indicating the continued circulation of these texts.⁴⁴ Similarly, Valerius Messalla knew the *On Magistracies* of Sempronius Tuditanus.⁴⁵ Between Cicero and these other cases, the evidence supports a pattern of the circulation of texts among the authors of these books.

This only takes us so far; another approach is needed for getting at the wider audience for civil theology. One useful proxy is the construction of audiences in the texts themselves. As with Appius and Cicero, the dedicatees of the books and the description of ideal audiences in their prefaces can provide a sidelight onto the social milieu of the audience. As we shall see, these indicators imply that the readership of these works belonged to the same social echelon as the writers. Civil theology was a literature written by and for social peers, rather than a product of patronage, as may have been true of Latin literature in other

genres. It may seem that this still leaves us bound up in the rhetoric of the books themselves, but it is unlikely that the dedicatees and ideal audiences are complete fictions, unmoored from the reality of contemporary readers. Modern literary theorists have emphasized the importance of text-immanent readers for shaping the experiences of real readers.⁴⁶

The dedicatees of learned books on Roman religion are surprisingly well attested, considering the extremely fragmentary state of the works themselves. According to both Lactantius and Augustine, Varro's *Divine Antiquities* was dedicated to Julius Caesar in his role as *pontifex maximus*.⁴⁷ The Christian authors use parallel phrasing, *ad C. Caesarem pontificem (maximum)*, which may well reflect the emphasis on Caesar's sacerdotal office in the Varronian text itself. The dedication of the text to Caesar is not testimony to Varro as a client of the dynast: however preeminent Caesar was in the 50s and 40s, Varro had the political autonomy to make the dedication freely.⁴⁸ Granius Flaccus's *De Indigitamentis* was also dedicated to Caesar, again presumably in his role as *pontifex maximus*.⁴⁹ The dedication of these books on Roman religion by non-priests to the leader of the pontifical college also belies any idea that learned discourse was intended to undermine the institutional authority of the old priestly colleges.⁵⁰ Instead, the dedications to Caesar reflect the dynamic of elite society in the first century, based around complex expressions of friendship—*amicitia*—and reciprocity.⁵¹

Cicero's letters allow us to see this drama of dedication in motion and provide an insight into the sort of social fashioning that accompanied it. We have already seen Cicero's response as the dedicatee of Ap-pius Claudius Pulcher's book on augury. The letter from 51 (*Fam.* 3.4) and the promise of further books on augury mentioned in two later letters by Cicero demonstrate its social meaning.⁵² That the practice of book dedication could be more fraught is suggested by his letters to Atticus regarding the dedication of the *Academic Books* to Varro.⁵³ One of the earliest letters in the series on this topic reveals that Atticus has urged Cicero to dedicate a book to Varro. Cicero goes along with this suggestion but soon starts to worry: is Atticus sure that this will go down well?⁵⁴ Varro is a difficult man—a quote from the *Iliad* (11.654) implies that he is like a brooding Achilles (δεινὸς ἀνὴρ τάχα κεν καὶ ἀνάτιον αἰτιόωτο)—and might not receive the dedication gratefully. Atticus seems to start to worry too, once Cicero makes clear that the responsibility will

lie with him as intermediary.⁵⁵ The whole exchange is wrapped up in a concern for maintaining social “face.” Cicero thinks that Varro’s interest in having a dedication suggests that he is jealous of another dedicatee; Atticus raises the possibility that he will look like a show-off; the opinion of other members of the elite is a frequent concern (the Greek phrase “I fear the Trojans”—αἰδέομαι Τρῳᾶς—recurs as an oblique reference to the claimed “Trojan” ancestry of the patricians). The letter to Varro regarding the same dedication betrays none of this anxiety: the mask of formality is an indication that we are not behind the scenes with Atticus any more, but that Cicero is treading the social boards in this letter, presumably written for publication.⁵⁶

The merry-go-round of these dedications of intellectual books on religion looks like the “world of isonomic textual exchange” that Sarah Culpepper Stroup has argued is characteristic of the sociology of literature in the late Republic.⁵⁷ She proposes that the Roman elite formed a textual community in this period which was characterized by horizontal relations, expressed by the dedication of texts to friends, rather than one based around vertical relations, from retainers to patrons. Although Varro, Appius Claudius Pulcher, and Granius Flaccus do not feature in Stroup’s study, which concentrates on Catullus and Cicero, the dedications of these works on religion fit well with her general model. This conclusion is important for understanding the social history of civil theology: the pattern of dedication indicates that this literature was written for other members of the elite and was enmeshed in the complex social interactions among this ruling class. On the evidence of Appius Claudius’s choice of a fellow augur and Varro’s emphasis on Caesar as *pontifex*, priesthood also had significance in this practice of dedication, suggesting that this was a literature for the eyes of (other) elite priests rather than written to undermine them.⁵⁸

These books were not just written for their dedicatees; there is some evidence that the anticipated audience for civil theology included other members of the Roman elite. In particular, Augustine preserves enough of Varro’s programmatic claims in the *Divine Antiquities* for us to catch a glimpse of his constructed audience.⁵⁹ The boast that Varro will outdo Aeneas and the *pontifex maximus* Metellus, which we already encountered at the start of this chapter, also includes an indication of his audience: his books will ensure the preservation of the gods in the memories of good men.⁶⁰ Varro marks his audience by using a social term, *boni*, that

was loaded with meaning in the final years of the Republic. Although the word had moral connotations, in the rhetoric of the mid-century, at least in the Ciceronian version of that rhetoric, the label had social and political resonance. In social terms, the *boni* clearly constituted the elite.

Hellegouarc'h's wide analysis of the usage of the word in the Republic shows that it was used to describe the wealthy, particularly the senatorial and equestrian classes.⁶¹ The political usage went further than this: for Cicero and others, the *boni* could be identified with their own political clique. Cicero, for example, in the famous analysis of Roman politics in terms of *optimates* and *populares* in the *For Sestius*, repeatedly equates the senatorial aristocracy with the *boni*.⁶² This optimate meaning was not the only possibility: the pseudo-Sallustian *Letter to Caesar* uses it to refer to those who opposed the noble faction, and a fragment of a speech by the popular statesman Gaius Gracchus uses the superlative to describe his equally popular brother.⁶³ In short, for the Roman elite, the *boni* were the people who agreed with you. Varro's use of the word to describe his audience in the *Antiquities*, then, came with this marked contemporary resonance. Whether optimate or popular, the conception of the audience for the book is apparent: Varro was writing for "right-thinking folks" among the Roman elite.⁶⁴

This implied audience for the *Antiquities*—shaped by the dedication to Caesar and the idea of an audience of *boni*—is also supported by another fragment that records Varro's conception of civil theology. As reported by Augustine, the fragment suggests that Varro thought that readers of books like his own would be priests: in his definition, civil theology is "that which the citizens in cities, especially the priests, should know and practice."⁶⁵ The programmatic portions of the *Divine Antiquities* are unusually well preserved, thanks to Augustine, but they allow us to see Varro's textual construction of an ideal elite audience, featuring aristocratic priests.

To sum up, the evidence for the audiences for civil theology, actual or implied, indicates that they mirrored the social position of the writers: this was a literature written by members of the late Republican elite for other members of the elite. The competitive culture of this elite demanded that intellectual performance—the writing down of "traditional Roman religion"—took place before an audience of peers. Certainly, it is clear that these writers were reading each other. More

widely, the practice of dedication, on the evidence of Cicero, was implicated in the wider politics of peer interaction among the elite and other indications of ideal audiences include distinguished nobles and priests.

Speaking of Books

The social history of civil theology does not stop at the end of the scroll. Late Republican Rome was still substantially an oral culture. The authority and significance of the books was the subject of many conversations about these texts. Evidence remains a difficulty: the debate about these books conducted in the forum, in suburban *villae* and at elite *convivia* is irredeemably lost. Instead, we must rely on the few occasions when this debate or echoes of it are found in extant texts.⁶⁶ This section will look more closely at one of these moments: the violent and unstable politics of the years from 63 to 57 BCE gave us a speech by Cicero, *On His House*, that we can read as an excellent example of the public and performative negotiation of the authority of the books.

In 58, Cicero fell victim to political instability: his personal enemy Publius Clodius as a tribune of the plebs passed legislation that made illegal the execution of citizens without trial.⁶⁷ The law was aimed at Cicero, and a provision that made the law valid retroactively rendered his summary execution of the Catilinarian conspirators in 63 punishable by exile. Under this pressure, Cicero fled the city without waiting for the inevitable denouement of prosecution. This personal disaster for the ex-consul was confirmed when Clodius quickly passed a second law that ratified exile, confiscated Cicero's property, including his Palatine house, and authorized the construction of a temple on part of the Palatine site. Clodius's next step was to dedicate the temple to the goddess *Libertas*—"Freedom"—a loaded choice in the political context.⁶⁸ This was the tribune's high-water mark. Things soon went awry for Clodius: he lost the support of Pompey and (perhaps) Caesar and, in August 57, Cicero was recalled from exile. By September, the statesman was back in Rome. Cicero's major preoccupation was now to overturn the effects of Clodius's assault. The most difficult problem was related to the house on the Palatine, now the site of the temple of *Libertas*.

Cicero faced a difficult problem: Clodius, with the help of his brother-in-law, Pinarius Natta, a *pontifex*, had consecrated a temple on the

Palatine site, an irreversible transfer of the property to the goddess. Not yet an augur himself, Cicero appealed to the Senate in order to get the dedication invalidated, and they referred the matter to the pontifical college for advice. The *On His House* is the speech, delivered on the final day of September 57, that Cicero gave before the college, arguing that Clodius's consecration of the temple was invalid. The central point of law at stake is extremely obscure—probably deliberately—but recent scholarship has clarified the issue as revolving around the relationship between two different pieces of legislation.⁶⁹ A second-century law called the *lex Papiria* governed the public legal aspect of dedication of temples, altars, and land. According to both Cicero in the speech and the final judgment of the *pontifices*—reported by Cicero himself in a letter to Atticus, *Att.* 4.2.4—some part of Clodius's own legislation, which was apparently rather carelessly drafted, did not fulfill the requirements of that earlier law. Without any independent access to the text of either law, it is impossible to be certain what was wrong with Clodius's law. There are various suggestions: Tatum proposes that there was some kind of absence of specific authorization for the dedication, while Stroh argues that the difference was the absence of a specific name and the use of the word *dedicatio* rather than *consecratio*.

Whatever the precise technicalities, this was shaky stuff from Cicero's perspective. In his own speech to the pontiffs, Clodius had, apparently, relied on a broad claim of religious propriety.⁷⁰ Cicero himself evidently did not want to reply to this with a narrow attack on the relationship between the two tribunician laws, which he covered only in a few chapters of the speech (127–133, 136–137). So he bolstered his case with two further arguments: one line of attack in the speech is on the controversial nature of Clodius's tribunate and legislation, and the other is on the ritual validity of the dedication—an issue separate from the legal validity of the dedication covered by the *lex Papiria*.⁷¹ The controversy over Clodius's tribunate was a favorite topic for Cicero, and he treated it extensively in this speech, but the success of Cicero's argument here was not decisive for the dispute at hand and had the potential to ruin the careers of Julius Caesar and Marcus Cato.⁷² Of more interest here, the other two arguments that the orator leaned on—the relevance of the *lex Papiria* and the ritual propriety of the dedication—allow a glimpse of the debate around intellectual books on religious practice and their potential authority.

In order to make these two arguments about the validity of the dedication, Cicero faced a tricky question of authority: the college of the *pontifices* was an unusual audience for a Roman orator. The college had a specific role: they were not “in charge” of Roman religious ritual, nor did they have any jurisdiction over ritual actions in the way that magistrates had jurisdiction over civil law.⁷³ Instead, they acted as a panel of experts, whose authority depended on the social status of its members and on some ideas of traditional *savoir-faire*.⁷⁴ Cicero acknowledges the status of his audience right at the outset of the speech: “among the many divinely-inspired practices discovered and instituted by our ancestors, nothing is more outstanding than their wish that the same men look after the rituals of the immortal gods and the affairs of the community, so that the best, most outstanding citizens preserve the rites (*religiones*) by managing the state well and preserve the state by wisely interpreting the duties of religion (*religiones*).”⁷⁵ Cicero flatters his audience and admits their role as experts. At the same time, he also opens the possibility that he himself, as someone engaged with the action of politics, has a stake in the expert interpretation of ritual duties. This opening sets the terms of Cicero’s approach—he argued from expertise, while seeking not to appear to infringe on the domain of the pontiffs themselves. In this context, civil-theological books on religion played a significant role in informing Cicero’s arguments, but the nature of the pontifical audience forced him to rebrand them as “pontifical books.”⁷⁶

The argument about the *lex Papiria* exemplifies this rhetorical tactic. The second-century tribunician law regulated the act of dedication to the gods and apparently required explicit public approval for both the dedicator and the dedication. By the time of the case in 57, the law had apparently been the subject of pontifical interpretation for almost a century. In earlier cases, the pontifical college had issued expert opinions (*responsa*) that qualified the extension of this law. Cicero’s case depends on these earlier pontifical judgments, but, as his concern to establish his sources for these earlier cases reveals, the assertion of specialist knowledge about pontifical decisions puts him on difficult ground.

At first, he is clear: using the Latin term *commentarii*, he says that the priests have records of them in “their” books. As Linderski noticed, this seems to contradict an earlier statement in the speech: “How could any-

thing be as arrogant as trying to educate the pontifical college about ritual, about divine matters, ceremonies, sacred acts, or so stupid that, if a man finds something in your books (*vestri libri*), he would announce it to you, or so nosy to wish to know about those things that our ancestors entrusted to you alone to know about and to be consulted on?"⁷⁷ Scholars have sometimes taken this passage literally, but as Linderski pointed out, Cicero protests too much: the *libri* and *commentarii*—the source of his information—are learned civil theological treatises, which tended to record precisely this kind of information.⁷⁸ We know from the fragments of many of these works that they could have provided Cicero with the details of the rules surrounding the ritual. In the speech, the books are repeatedly said to belong to the college—perhaps in part because they were written by priests like Fabius Pictor or Appius Claudius Pulcher, but also to mark the priests as the experts in this domain. All this rhetorical defensiveness and apparent self-contradiction is a function of audience: Cicero is not in a position to lecture the pontifical college on their expertise, but he needs to rely on these earlier cases, found in books, to ensure the invalidity of the dedication of his house.⁷⁹ To paraphrase the orator: "You priests are the real experts here, but, according to the precedent found in the books, the dedication isn't valid. Still, you are the experts."

Cicero employed the same strategy in the argument against the ritual validity of the dedication.⁸⁰ Clodius relied on his brother-in-law, Pinarius Natta, a new *pontifex*, to perform the key parts of the ritual, in particular the act of holding the doorpost of the shrine and pronouncing the ritual formulae of consecration.⁸¹ Again, this is tricky ground; Pinarius was a full pontiff and an attack on his ritual precision might have reflected on the social standing of the entire college. Cicero denies three times that he will touch on the ritual specifics. I have already quoted one of these passages in the previous paragraph; the other two are similar in form: "I say nothing about pontifical law, nothing about the specific words of dedication, nothing about the ritual, nothing about the rites";⁸² "I said from the start that I would say nothing about your area of expertise, nothing about rites, nothing about the hidden pontifical law."⁸³ We should not take these statements at absolute face value—if anything, the marked repetition demands that we not do so—but as tactical apology.⁸⁴ Certainly, Cicero continues in these cases to argue that Pinarius did not perform the ritual correctly, including a failure to

hold the post of the building and a bungling of the correct wording.⁸⁵ These are potentially devastating arguments for Clodius's dedication: the *pontifices* had a strong ideology of ritual precision.⁸⁶ But Cicero still faced the problem of expertise: he needed to claim enough knowledge about the ritual norms to be able to claim that Pinarius had not fulfilled his duties. At first, he is imprecise: "I seem to have heard that the doorpost must be held."⁸⁷ A little later he provides a clearer source, the records—*monumenta*—of the priests: "hesitating, he said and did everything in a way differently from what you have in the *monumenta*."⁸⁸ What were these *monumenta* that Cicero used as a standard to measure the ritual performance? The Latin term is vague, but the most likely answer is that they are identical with the *libri* and *commentarii* mentioned elsewhere in the speech: civil theological treatises on Roman religion.⁸⁹ We certainly have fragments of these books that provide ritual formulae and actions, for example the fragment of Fabius Pictor that gives the procedure for consecrating a Vestal Virgin.⁹⁰ In sum, we see the same oratorical footwork as before: an overt acceptance of pontifical monopoly of expertise coupled with the use of learned literature to make his case against the dedication.

Cicero's *On His House* allows an insight into the dynamics surrounding the social authority of learned books on Roman religious topics: they could be used by members of the elite to buttress specific performances in important arenas, but there was a considerable amount of anxiety about the status of their contents vis-à-vis traditional locations of expertise. Cicero is constantly careful to hedge his claims about pontifical matters, even as he tries to assert his case that the dedication was invalid. The careful engagement with specialist knowledge in this speech appears to have paid off: the wording of the opinion rendered by the pontiffs shows that they accepted Cicero's argument.⁹¹ The complex rhetoric surrounding civil-theological books in the *On His House* is not confirmation of their "threat" to pontifical authority, but shows how, in the context of a meeting of the college, the books could be used to support that authority. After all, Cicero is able in the speech to brand them as "pontifical books." The speech provides a particularly useful sidelight on the extra-textual life of civil theology: there was no easy displacement of expertise from priests to books, but a necessary ongoing negotiation about their use in real settings.

Satirizing Civil Theology

Cicero was intimately involved with the production and consumption of intellectual books on Roman religion. The vagaries of evidence prevent us from observing how widely in society the writings and ideas of civil theology circulated. An example from the middle decades of the first century can, however, offer us a suggestive glimpse: Catullus 17, a poem addressed to a town, *Colonia*, on the occasion of a ritual performance, offers a satiric take on civil theology. Like the diminishing outer ripples of the splash that civil theology made in first-century Rome, the Catullan satire records the scale of civil theology's impact.

Catullus, a lyric poet notorious for his manipulation of traditional aristocratic values, has not often featured in accounts of intellectual life in the late Republic, but his seventeenth poem is an excellent text for thinking through the reception and authority of learned writing on Roman religion.⁹² Although the details of Catullus's biography are not as well-known as the rash overconfidence of an earlier generation of critics once suggested, the outlines of Catullus's social position are clear: originally from Verona, like many other new men, he was a participant in elite society in late Republican Rome.⁹³ He was certainly in a position to know the writers of learned books on Roman religious topics: he wrote his poetry in the 50s BCE, which was a fertile time for this literary production, perhaps especially for Varro; Cicero is the ironic addressee of one poem (49); the Veranius who is mentioned in several poems (9, 12, 28) may—perhaps—be identified with the writer on pontifical law.⁹⁴ Catullus lived in the “right” temporal and social context for understanding the reception of civil theology.

At first sight, however, poem 17 does not seem promising for advancing this understanding: it is a bawdy address to “Colonia,” a town plausibly identified with Catullus's own Verona.⁹⁵

*O Colonia, quae cupis ponte ludere longo,
et salire paratum habes, sed vereris inepta
crura ponticuli axulis stantis in redivivis,
ne supinus eat cavaque in palude recumbat:
sic tibi bonus ex tua pons libidine fiat,
in quo vel Salisubsali sacra suscipiantur,
munus hoc mihi maximi da, Colonia, risus.
quendam municipem meum de tuo volo ponte*

ire praecipitem in lutum per caputque pedesque,
verum totius ut lacus putidaeque paludis 10
lividissima maximeque est profunda vorago.
insulsissimus est homo, nec sapit pueri instar
bimuli tremula patris dormientis in ulna.
cui cum sit viridissimo nupta flore puella
et puella tenellulo delicatior haedo, 15
adservanda nigerrimis diligentius uuis,
ludere hanc sinit ut lubet, nec pili facit uni,
nec se subleuat ex sua parte, sed velut alnus
in fossa Liguri iacet supper nata securi,
tantundem omnia sentiens quam si nulla sit usquam; 20
talis iste meus stupor nil videt, nihil audit,
ipse qui sit, utrum sit an non sit, id quoque nescit.
nunc eum volo de tuo ponte mittere pronum,
si pote stolidum repente excitare veternum,
et supinum animum in gravi derelinquere caeno, 25
ferream ut soleam tenaci in voragine mula.

O Colonia, you wish to celebrate on a long bridge
 and are ready to dance, but you fear the inept
 legs of the little bridge standing on reclaimed timbers,
 in case it falls down and sinks into the empty marsh:
 may you have a good bridge according to your desires, 5
 on which the Salisubsali rites can be performed,
 as long as you give me a spectacle of greatest laughter.
 I want one of my townsmen to fall head over heels
 from the bridge straight into the mud,
 right where there is the darkest and deepest abyss 10
 of the whole lake and the fetid swamp.
 He's an idiotic man; not even as smart as a two-year-old
 child sleeping in the cradling arms of his father.
 He has a young wife, in the bloom of her youth
 —a girl more delicate than the most tender kid, 15
 who should be watched more carefully than the ripest grapes—
 he allows her to frolic as she wishes and doesn't care at all,
 nor does he get up from his spot, but lies like an ash
 in a ditch that has been cut down by a Ligurian axe,
 perceiving everything as if it never existed at all; 20
 such is my idiot friend that he sees nothing and hears nothing,
 he doesn't know who he is, whether he even exists.
 I want to send him headfirst off your bridge
 if he can instantly shake off his idiotic stupor
 and leave his sluggish spirit in the thick mud 25
 like a mule leaves its iron shoe in the sticky hole.

The poem pairs two subjects: the town's inadequate infrastructure and a cuckolded husband. In the first four lines, Catullus sets up the situation. The "colony" has an old bridge that threatens to collapse during a ritual dance. In lines 5 through 7, he offers a *quid pro quo*: a new bridge for the ritual—*Salisubsali sacra*—if the town will provide a comic spectacle in return. In the following lines, the contents of the spectacle are specified. A certain townsman of the poet should be thrown off the bridge into the muddy waters below. This guy is a real idiot, says Catullus: he's being cuckolded by his young wife and he doesn't even know it. A good dunking will wake him up to the situation!

Poem 17 should be taken as a satiric comedy: there is even, according to traditional comic structure, hope for the marriage at the end of the poem.⁹⁶ I suggest, however, that part of the satire here rests in a carnivalesque juxtaposition of the interests and tropes of civil theology alongside the sexual comedy of the old cuckold.⁹⁷ The action revolves around a particular performance of a local ritual on a decrepit bridge—this is announced in the opening two lines (*cupis ponte ludere longo/ et salire paratum habes*)—and so engages with a topic, the local rites of Italy, that was a preoccupation of learned texts on religion. Catullus provides the reader with a little knowledge about the Veronese rite: a name is given in the sixth line—*Salisubsali sacra*—that picks up the verb *salire* and is suggestive of dancing. Although the name is rather suspiciously hick-y, the possibility of a historical dance ritual can be fleshed out with the epigraphic attestation of Salian priests at Verona and nearby communities in the Po valley.⁹⁸

Catullus's concern with a specific local rite brings the poem into conversation with learned writing on the ritual of the Argei. The actions of this ritual are clear (at least compared to the usual limits of our knowledge of particular religious rituals from Rome): on the 14th or 15th of May, the *pontifices* and the Vestals solemnly threw twenty-seven wicker puppets in the likeness of men (the Argei), one for every chapel of the Argei in the city, from the *Pons Sublicius* into the Tiber.⁹⁹ Since Birt's significant article, written in the twenties, it has been understood that Catullus 17 has something to do with this ritual.¹⁰⁰ The scenario of the poem—a ritual on a wooden bridge that ends with a "dummy" being thrown into the water—recalls the Roman ritual and the description of the cuckold's oblivious attitude, *nil videt, nihil audit/ipse qui sit, utrum sit an non sit, id quoque nescit* (lines 21–22), is appropriate for the Argei as humanoid puppets.¹⁰¹ Unlike Birt and his followers, however, I suggest

that Catullus is more interested in providing a satiric version of the intellectual concern, found in late Republican texts on religion, with the origin and significance of the Argei than suggesting a provincial performance of the ritual out in Verona.

There is good evidence that there was lively interest in the Argei among late Republican writers on Roman religion.¹⁰² The civil theologians, as they wrote down the ritual of the Argei, pursued their central interest in delineating specifically “Roman” religious practice by focusing on the origins of the ritual and establishing its Roman-ness. The etymologically tempting name—Argei—was an important part of this textualization of the ritual. Varronian authority lies behind an etymology connected with the arrival of Hercules from Argos.¹⁰³ The Argive theory came in two flavors: the puppets either took their names from Hercules’s noble Argive companions or were Hercules’s substitution for victims of human sacrifice as part of his civilization of the aboriginal inhabitants of Rome.¹⁰⁴ Another set of theories connected the ritual with the mysterious Roman proverb “[to throw] sixty-year old men off a bridge” (*sexagenarios de ponte*), so equating the puppets of the Argei with elderly Roman men.¹⁰⁵ The connection was apparently recognizable in Rome by the late 80s BCE: Cicero alludes to it in his *For Roscius Amerinus*.¹⁰⁶ Another opinion that connects the ritual and the proverb is preserved in Festus and, although not precisely attributed to a specific author, provides a less primordial origin for the ritual:

There are those who say that after the city was liberated from the Gauls [after the sack in 390 BCE], because of a famine, sixty-year-old men started to get thrown into the Tiber. One of them, hidden thanks to the *pietas* of his son, benefited the state with his advice, given under the name of his son. When this became known, the young man was forgiven and the right to live was granted to the sixty-year-olds. His hiding places, in which he closed up (*arceo*) the old man, that is, he confined him and hid him, seemed worthy of sanctity, and so they were called *Arcaeae* [i.e., “the chapels of the Argei”].¹⁰⁷

The civil-theological color of this story is apparent: it is laced with the cultural politics of “Roman” values, providing an example of filial piety and connecting prominent points in Roman time and space (the Gallic sack, the chapels of the Argei, and the ritual).

Catullus made the learned interest in the Argei rite and its origin into a butt of a joke. By suggesting a comic version of the Argei ritual, Poem 17

riffs on the identity of the Argei, displacing the civil-theological images of the civilizer Hercules and pious sons with the scenario of a cuckolded husband. Centrally, the poem hints, in several ways, at the proverb *sexagenarios de ponte*, which seems to have been so important in learned discourse around the ritual. In a marked repetition (8, 23), the phrase *de ponte* jingles through the poem. The age of the townsman is never quite made clear, but the idea that a good dunking will shake off his *veternum* (his “stupor”/ his “old age”) and the ironic similarity with a two-year-old (*pueri instar/ bimuli*), which is a exaggeratedly comic reversal of age-status, are suggestive.¹⁰⁸ If the shock therapy works, Catullus suggests, his townsman will be an impotent old man no more. Catullus is not replaying the Argei ritual in a colonial context; he is supplying a grotesque version of the Roman intellectual concern with the origin of the Argei ritual.

What to make of all this? In a bawdy, comic mode, Catullus 17 engages with the interests and strategies of learned books on Roman religion and so offers an insight into contemporary circulation of civil theology in late Republican Rome. For this play on intellectual “religion talk” to be meaningful in the historical context of Rome in the fifties—in short, for the joke to work—both the poet and at least some of the audience can be assumed to share an awareness of civil theology and its habits. It is notoriously difficult to use humorous literature as a sure index for intellectual history, but the dialogue with civil theology in the poem suggests that learned debate on Roman religion resonated in the sophisticated dinner parties of Catullus’s poetic set. There should be no doubt that Neoteric “counter-cultural” poets like Catullus also represented part of the apex of the Roman cultural pyramid, but the engagement with civil theology in his poetry suggests that learned books had an impact outside the intellectual circle that produced these technical works on Roman religion.¹⁰⁹ Measuring this impact is a trickier business: Catullus’s combination of civil theology and sexual comedy may indicate that his set did not take the earnest efforts of the civil theologians too seriously.

Theology at the End of the Republic

How, then, should we understand the social history of civil theology? Setting aside the revolutionary narrative of new science pitched against traditional savoir-faire, we find a more varied and dynamic intellectual

environment in second- and first-century Rome, where members of the elite circulated, used, and responded to books on religion. It is in the context of this setting that we must measure the authority of civil theology as a discourse on the Roman gods. That authority had neither a democratic basis—either in an individualistic or majoritarian sense—nor an ecclesiastical one—subordinated to priestly hierarchy; rather, it was a Republican phenomenon.

In homology with the distribution of power in Rome of the late Republic, mastery of Roman religious knowledge was both dominated by members of the elite and diffused among them. Bookish civil theology did not hold a monopoly on theological and ritual expertise among the elite which must have also circulated in oral form, perhaps particularly among the commensal networks of the priestly colleges, but also among families and in the Senate. At times, the evidence points to tensions between the textualized religion of the books and traditional experts—we encountered Cicero's delicate talking-around of such tensions earlier in this chapter.

In this context, then, the authority of civil theology was closely related to the social performances and status of the authors of the books. There was no discrete intellectual or priestly field—in the sense of Bourdieu's sociology—within which this endeavor might have been structured and contained.¹¹⁰ Instead, as we have seen, it is not possible to pin down a single status or institutional position for the authors of these books: when we have enough information to place them, we find that all were part of the male group that dominated virtually every aspect of Roman society. More dynamically, civil theology was available as a resource for both consensus and competition between the aristocracy—the dedications and implied audiences for books of civil theology testify to both.

The social authority of civil theology was also implicated with its reception. The examples of Catullus 17 and Cicero's *On His House* suggests the potential for the contestation of the authority of textualizations of Roman religious practices.¹¹¹ Both Catullus's clique and Cicero's audience in the pontifical college were clearly ambivalent about the authority of these books. However, the traces of civil theology in both Catullus's poem and Cicero's speech indicates that it had potential significance for contemporaries, which justified the treatment of mockery and supported a property case. Still, Cicero and Catullus do not take us beyond the

world of the elite: the meetings of the pontifical college and the texts of Hellenizing lyric poetry excluded the vast majority of the Roman population.

In 49, this Republican society fell apart. Caesar crossed from Gaul into Italy with his army to confront his enemies in the Senate, a confrontation that would only end with his death on the Ides of March. Indeed, Julius Caesar has been lurking in the background for much of this chapter. He is entangled in the history of civil theology as a dedicatee of books by Varro and Granius and as an absent *pontifex maximus* (he was on campaign in Gaul) during Cicero's speech in front of the other members of the pontifical college. It may even be possible to see the language and categories of civil theology in his *Gallic War* when he describes the Druids and worship of the gods in Gallic society (*BG* 6.11–20).¹¹²

Caesar raises the question of historical change in Roman Republican history; like Hegel's Napoleon, Julius Caesar has often been understood as the Roman historical actor *par excellence*, riding into history across the Rubicon. We have seen how the social history of civil theology is embedded in the long-term structures of Republican aristocratic society. We need not, however, ignore the political narrative of crisis and the evident cultural changes in Roman and Italian society. Caesar, in many ways, is a great example of this: firmly enmeshed in the competitive environment of the Roman Republic, he constantly sought out glory and distinction, even as he marched south toward Rome and monarchy.¹¹³ At the same time, Caesar is inevitably a figure for the future transformation of the Roman state into a personal monarchy.¹¹⁴ Radical change really was on the horizon. Monarchy remade the authority of civil theology: the writing down of "traditional" Roman religion left it available to underwrite imperial claims of "restoration" and, eventually, early Christian assertions of difference.

PART II



COMPARISON

4



Rabbis and Romans

WHAT DOES REATE have to do with Yavneh? The question may not resound with the same familiarity as “What does Athens have to do with Jerusalem?”—after all, ancient Yavneh and Reate were two small towns in the very different landscapes of the coastal southern Levant and the uplands of central Italy. But just as Athens and Jerusalem stand as signifiers for faith and reason, “Yavneh” and “Reate” are appropriate metonyms for two ancient textualizations of religious practice. Yavneh was the symbolic birthplace of rabbinic Judaism, where a group of refugee religious experts gathered to found a religious academy after the fall of the Jerusalem Temple in 70 CE. Reate was also a birthplace: the leading figure of Roman civil theology, M. Terentius Varro, was born there in 116 BCE. Despite the temporal, spatial, and cultural divide between Yavneh and Reate, the rabbinic Mishnah and Roman civil theology shared a concern to encompass a religious system in text. In both post-70 Palestine and late Republican Italy, a small learned elite turned to text in order to articulate specific practices and ideologies as “rabbinic Judaism” and “Roman religion.”

We have seen in the first part of this book how late Republican intellectuals textualized Roman religious thought and practice to delineate an image of “Roman religion.” Here I change approach and place civil theology side by side with the textualization of Jewish religious practices and ideals in one early rabbinic text, the Mishnah. This chapter focuses on a comparison between the two phenomena, not just because of the attraction of an intriguing analogy, but as a thought experiment:

can comparison help us see “the big picture” that lies behind the specific evidence for civil theology?

It is all too easy to give into the “thrill of encountering a coincidence.”¹ Instead, J. Z. Smith has advocated a more rigorous and self-conscious comparativism: “a comparison is a disciplined exaggeration in the service of knowledge. It lifts out and strongly marks certain features within difference as being of possible intellectual significance, expressed in the rhetoric of their being ‘like’ in some stipulated fashion. Comparison provides the means by which *we* ‘re-vision’ phenomena as *our* data in order to solve *our* theoretical problems” (Smith’s italics).² In this view, comparison is triadic, not dyadic. There are three elements in the comparison, “*x* is like *y* with respect to *z*,” where *x* and *y* represent the two sets of phenomena under discussion and *z* represents the interest of the historian.³ This third term is significant—it places the historian at the center of the process of comparison, not as a passive recorder of semblance, but as the manager of similitude and difference. By following Smith’s methodological suggestions, we can pragmatically compare Mishnah and civil theology without committing to an objective likeness between them. The Mishnah is not the only possible comparative partner for civil theology in this pragmatic vein: for example, the Vedic Brahmanas textualized sacrificial practice, and William Arnal has suggested that early Christian literature of the second century invented “Christianity.”⁴ Nevertheless, I contend that the Mishnah is particularly useful as a comparison for my purpose in this book because, unlike the Brahmanas, it goes beyond the performance of ritual and, unlike the early Christian textual engagement with civil theology—which I discuss in a later chapter—the rabbinic text does not bear a literary relationship with Roman civic theology.

Early rabbinic Judaism and Roman republican religion are two profoundly dissimilar religious systems. Even a quick glance reveals the scale of the differences: the former was monotheistic, the preoccupation of a marginal group in a peripheral province, and centered on biblical scripture; the latter was polytheistic, a product of the diverse society of the imperial metropolis, and focused on sacrificial practice. Despite all the evident differences, I choose to exaggerate, in Smith’s terms, only one area of similarity, the transposition of religious life to text in both post-Temple Judaism and late Republican Rome. Looking at civil theology alongside the Mishnah reveals a similar project and raises ques-

tions about the authority and origins of textualization. In the study of civil theology, where the evidence is so fragmentary and the intellectual horizons of the Roman writers so parochial, this is a particularly valuable opportunity. Looking at Reate from Yavneh provides a new perspective.

For readers unfamiliar with the rabbis and their texts, the first part of the chapter offers a short introduction to early rabbinic Judaism informed by recent work in that field; readers already comfortable with the *Tannaim* and their Mishnah may wish to read ahead. The main part of the chapter puts into action the disciplined comparativism recommended by J. Z. Smith and juxtaposes civil theology with the Mishnah to provide another answer to the central question of the second chapter: how did text play a role in the making of a “Roman religion”?

The Rabbis and the Mishnah

Who were the rabbis and what is the Mishnah? The destruction of the Temple at the hands of Titus’s troops in 70 CE had an incalculable effect on Jewish culture: the one Temple for the one God was virtually leveled; sacrificial worship, the basis for Second Temple Judaism, was finished.⁵ In the wake of the destruction, a small group of survivors emerged to preserve what they saw as Torah-observant life.⁶ This was the group that became “the rabbis,” a marginal group in the province of Palestine, dedicated to a particular ideal of Jewish worship and practices. These early generations of rabbis are known in Jewish tradition as the *Tannaim*.

The *Tannaim* developed a distinctive oral form for recording and learning Jewish customs. Around 200 CE, various oral traditions were redacted into a single document, the Mishnah. Composed in Hebrew and compiled around 200 CE, the Mishnah is a vast compilation of norms for Jewish life and worship, covering everything from agriculture to the specific rules for the punishment of a suspected adulteress to an exposition of the law of contract. In form, the Mishnah mixes rules, anecdotes about application of the rules, description of Temple rituals, and (some) biblical exegesis in a blend that is thoroughly unlike anything in classical literature.⁷

The Mishnah is a corporate document of the rabbis, a major collection of their views on how Jews should behave and Judaism should

work.⁸ As it is transmitted to us, the text is a tightly shaped concatenation of rules and descriptions, arranged systematically by theme. The text is divided into sixty-three tractates, grouped into six orders. Beyond this, the Mishnah is marked by the absence of apparent structure: it has no preface or general introduction that could indicate either author or purpose; nor does it have any organizing narrative or framing device.⁹ It is simply arranged seriatim by order and tractate. Each of the sixty-three tractates deals with a specific topic (e.g., *Berakhot* discusses the morning and evening prayers and other benedictions; *Shabbat* lays out the rules for Sabbath observance). These tractates, however, are highly heterogeneous in form: many, like *Berakhot* and *Shabbat*, are concatenations of apodictic rules ("a man must say three things within his house on the eve of the Sabbath."¹⁰) or conditional sentences ("if a man ate and forgot to say the blessing"¹¹); others, like *Tamid* or *Yoma*, include extensive narrations of ritual actions in the Temple or, like *Avot* or *Eduyot*, are collections of sayings by named rabbis.

These tractates are made up of a number of paragraphs, called, slightly confusingly, *mishnayot* (singular: *mishnah*), and each paragraph contains between one and four opinions, frequently assigned to certain named rabbis; in other cases the opinions are anonymous. A sample passage can clarify: the opening of the whole text, *m. Berakhot* 1.1, on the appropriate time to recite the morning and evening prayer, the *Shema*:

From what time in the evening may the *Shema* be recited? From the time when the priests enter [the Temple] to eat their offering until the end of the first watch. These are the words of Rabbi Eliezer. But the Sages say: until midnight. Rabban Gamaliel says: Until the rise of dawn. An example (*ma'aseh*): His sons once returned from a wedding feast. They said to him: "We still have not recited the *Shema*." He said to them: "If the dawn has not yet risen you are obligated to recite it." And not only this, whenever the Sages say "until midnight," the duty of fulfillment lasts until the rise of dawn. The duty of burning the fat pieces and limbs lasts until the rise of dawn; and for all the offerings that must be consumed the same day, the duty lasts until the rise of dawn. Why then have the Sages said: "Until midnight"? To keep a man from transgression.¹²

At first sight, this is a complex passage, but it can give a sense of how the Mishnah works. In response to the anonymous question on when the *Shema* can be first recited in the evening, there are three answers given in this paragraph for the problem of when to recite the *Shema*.¹³

The first, by Rabbi Eliezer, is that a Jew must recite the *Shema* in the evening soon after sunset. This opinion switches the focus: now the opinions relate to the problem of the latest permissible time for the recitation of the *Shema*. The consensus of the rabbis ("the Sages") is that the *Shema* can be recited any time before midnight. Most of the time in the Mishnah, the anonymous consensus of the sages prevails and is the accepted opinion. In this case, however, Gamaliel has a different opinion: one should recite the *Shema* before dawn. This opinion is then the subject of a short narrative example (a *ma'aseh*) about the sons of Gamaliel returning in their cups. Finally, the anonymous voice of the text draws out the implication of Gamaliel's time extension and gives an explanation for the sages' formal midnight cutoff time. We should not attach too much faith in the specific attribution of these opinions to Eliezer or to Gamaliel; there is no way to tell whether historical rabbis called Eliezer and Gamaliel ever gave these opinions or whether Gamaliel's sons really did stay out late one night.¹⁴

This paragraph also highlights two other important traits of the Mishnah. The first is the focus on the Temple: here the recitation of the *Shema* is correlated, by R. Eliezer, with the routine of the Temple and the sacrificial practices of the priests. This is a studied anachronism: such a temporal marker had no practical use by the third century.¹⁵ The second is the complex relationship between the Mishnah and the Hebrew Bible, especially the legislation of the Pentateuch. In the current case, a biblical passage, Deuteronomy 6:7: "Recite them . . . when you lie down and when you rise," is assumed, but the Mishnah does not simply offer a commentary or restatement of the biblical commandment; rather, it produces an independent norm that cannot be reduced entirely to its biblical basis. The Mishnah's relationship with the Bible can also be contrasted with another form of early rabbinic textuality, legal *midrash*, which took the form of direct commentary on the Pentateuch. There is also a significant linguistic difference between the mishnaic formulation and the biblical law; both are in Hebrew, but the Mishnah eschews the archaic literary language of the Bible, and the dialect of the text is instead the Hebrew of early imperial Judaea.¹⁶

According to Jewish tradition, the Mishnah records Oral Torah, Jewish law of equal (or even superior) value to the written Torah of the Bible, transmitted in speech across the generations from Moses at Sinai to the rabbis. This idea belongs, however, to the project of rabbinic

self-legitimation in the period after the redaction of the Mishnah (called the Amoraic period, after the generations of rabbis known as *Amoraim*, “speakers”).¹⁷ Based on this assumption that the Mishnah represented Torah, the *Amoraim* and their rabbinic successors produced two commentaries on the Mishnah, the Palestinian and the Babylonian Talmuds, originating in two separate rabbinic communities on either side of the Roman-Sassanian Persian frontier.¹⁸ Despite differences in time, place, and perspective, readings of the Mishnah have traditionally been shaped by these commentaries.

For the sake of comparison, however, it is better to leave aside these commentaries as products of their own historical contexts and to focus on the redacted text of the Mishnah alone. Recent students of the text have emphasized that, despite the presence of earlier oral material in the Mishnah, the redacted text shows signs of literary molding and organization.¹⁹ The redaction is traditionally assigned to a rabbi called Judah ha-Nasi; there is internal evidence in the Mishnah itself that the text emerged from the circle of Judah’s son, Gamaliel, who lived at the start of the third century.²⁰ For classicists, the formation of the Homeric poems is a meaningful analogy: a multiform oral tradition was ultimately redacted and written down in its final form as the *Iliad* and the *Odyssey*.²¹ Redaction, and the consequently inevitable manipulation of the text and subject matter, means that the textual version of Judaism presented by the Mishnah is an ideological one and not a mere compilation of rules and practices in existence at various times and places. It is the priorities and arrangement of material in the Mishnah that are apparent in the final redaction, the overall shape of its textualization of Judaism, which make possible a comparison with civil theology.

The Dynamics of Textualization

The rabbis and the civil theologians faced a shared problem: how to encompass a religious system in text? Despite the dramatic differences in content, the textualizations of the Torah and of the worship of the Roman gods are marked by this underlying similarity: the imperative of turning the complexities of lived practice into text. By looking at the ways they approached this challenge, we can see common features in the two discourses and what can be gained by putting the Mishnah and Roman civil theology side by side.

Both rabbinic and Roman texts were committed to description in a broad sense, to the collection and representation of the details of religious practice. In civil theology, this practice is apparent in almost every text from Fabius Pictor's early collection of the rules for the *flamen Dialis* to the huge quantity of information apparently recorded in Varro's *Divine Antiquities*. In some cases, this description could take on a utopian form, as, for instance, in the religious constitution in Cicero's *On the Laws*. Similarly, the Mishnah was invested in the recording of a huge number of details about Jewish worship both in the Second Temple period and after the destruction. Most clearly, *Middot* is a phenomenally detailed description of the Temple itself, mixing historical recollections with details derived from the text of Ezekiel, and *Tamid* narrates the daily sacrifice in the Temple.²² Even the more obviously normative and practical tractates, which cover parts of Jewish orthopraxy that could continue in the absence of the Temple, such as *Ketubbot* and *Pesahim*, also include some level of description. *Pesahim*, which is concerned with the prescriptions for Passover observance, includes a ritual narrative of Paschal sacrifice in the Temple (*m. Pesahim* 5.5–10) akin to the description of daily sacrifice in *Tamid*. Even beyond this ritual narrative, among the rules for pre-Passover preparation, *Pesahim* collects the various traditions in the regions of *Eretz Israel*: "the Sages say: 'In Judaea, they do work until noon on the eves of Passover [12th of Nisan]; in Galilee they do not do anything at all.'"²³ Later in the same chapter, the six particular (and unrabbinic) practices of the men of Jericho are listed: agricultural work all day on the 14th of Nisan; incorrect pronunciation of the *Shema* prayer; reaping and stacking before the preharvest offering (the *Omer*); the use of sanctified figs; eating, on the Sabbath, fruit that may have fallen from the tree that day; leaving vegetables as set-aside (*Peah*).²⁴ Only the first practice relates to the ostensible topic of the chapter in *Pesahim*, but, within a discussion of the norms for Passover preparation, Jewish practices in Jericho during the Second Temple period become the subject of text.

We can understand even the enumeration of rules, not just incidental details, as a form of description, encompassing practice in text. For the civil theologians, the jurisprudential style of Roman civil law could be adapted to the codification of religious practice. Treatises on pontifical and augural law, in particular, relied on a rhetoric of rule-making. For the Romans, this use of a legal rhetoric was only a part of the overall

style of civil theology; in the Mishnah, legal style is much more pronounced. For the most part, rabbinic language for the textualization of practice is nomothetic. Sometimes the evidence allows us to see in concrete terms the transformation of common practice into casuistic rhetoric (statements of the form: “if *x*, then *y*”). In *Ketubbot*, which is concerned with the rules for marriage, including betrothal and the dowry, one passage, *m. Kettubot* 4.7–12, for example, sets out the rules for the marriage document (*ketubbah*), including a contractual clause in Aramaic: “If he has not written ‘If you are taken captive, I will ransom you and take you again as my wife’ . . . he is liable [to do so].”²⁵ Excitingly, the discovery in the Judean desert of an early second-century *ketubbah* on papyrus has now demonstrated that the Mishnah incorporated the Aramaic clause from lived practice.²⁶ Alongside casuistic forms, the legal rhetoric also included the direct statement of rules—the so-called apodictic form—and an explicit vocabulary for forbidden, obligatory, and permitted practices.²⁷ Even narratives of Temple rituals are, as Moshe Simon-Shoshan suggests, “merely a stringing together of apodictic statements that supplies instructions for a complex task.”²⁸ He could be writing about a fragment that uses jussive subjunctives to write up a ritual from Nigidius Figulus’s *On the Gods*: “then he should stand up and make four libations . . . two to the right and two to the left.”²⁹ Both Romans and rabbis, for the purpose of textualization, applied normative language to religious practice.

The turn from practice to text involved larger-scale processes of systematization and definition. In the case of the Mishnah, these processes were shaped by an earlier textualization of practice—the Bible, by rabbinic interpretation of that text (*midrash*) and by the nature of the Mishnah as a redaction of earlier oral materials.³⁰ Nevertheless, the Mishnah was a collection and systematization of Jewish practice.³¹ Centrally, the redaction into the six orders and sixty-three tractates of the Mishnah constituted a departure from the scattered taxonomies of the Pentateuchal legislation.³² Varro’s collection of Roman religious culture in sixteen books in five “orders”—people, places, times, actions, and gods—is a Roman parallel.³³ The differences between these categories and the mishnaic ones—agriculture, festivals, women, damages, holy offerings, and purities—reveal the religious differences between the cultures and the different conceptualizations of the relationship of religion (*res divinae*) to other aspects of social life. The differences cannot hide

the similarity: a drive to organize religious culture in textual terms. This process of textualization involved selectivity: for instance, we have already encountered Augustine's outrage over Varro's exclusion of Attis in his discussion of the cult of the Magna Mater. Similarly, it is remarkable, for example, how rarely the synagogue as an institution features in mishnaic discourse on Judaism and how it is not the topic of a particular tractate, despite the existence of synagogues since the Hellenistic period.³⁴ In both the Roman and Jewish cases, then, the move to text produced an interested version of the lived complexities of religious practice.

As part of systematization, both civil theology and the Mishnah were also invested in marking out boundaries. The different textures of Roman and Jewish identities are evident,³⁵ but textualization demanded a rhetoric of demarcation. In the Roman case, urban and ethnographic rhetoric was used to construct a "Roman way" of interacting with the gods as distinct from the practices of neighboring polytheistic cultures.³⁶ The rabbis of the Mishnah were also interested in marking out "Israel" against non-Jews in genetic terms and against other Jewish groups in orthopractic terms.³⁷ Where the Roman authors focused on the city and citizenship as a basis for their definition of "Roman," the body was key to the definition of Jewishness for the rabbis. For the first time, the Mishnah defined Judaism in terms of the mother's status—the famous matrilineal principle.³⁸ In parallel with this, the *Tannaim*, as Rosen-Zvi and Ophir have recently argued, were the first to create the *goy*—gentile—as an undifferentiated and totally excluded Other.³⁹ The consequence of these ideas was a genetic definition of the "Israel" that constituted the social basis for the Mishnah's textualization of Jewish practice. This genetic distinction does not quite suffice: the rabbis were aware of others who could claim to be "Israel" in genetic terms but did not live in a manner that matched their own conception of Torah. By focusing on bodily praxis, the rabbis differentiated these "sectarians" from Judaism proper.⁴⁰ For example, a well-studied passage in *Niddah*, the tractate on the menstruant woman, devoted to the menstrual purity of the women of various groups (Samaritans, Sadducees, and Gentiles), distinguishes between the various practices of these differing groups.⁴¹ Critically, the women of the Sadducees have the ability to become pure if they follow the practices of "Israel." In corporeal and ethnic terms, therefore, both the Mishnah and civil theology rhetorically mark out boundaries for their textualizations.

Civil theology and the Mishnah were invested in the assertion that their textual “Roman religion” and “Judaism” were traditional in character. The civil theologians frequently retrojected the religious culture that they articulated in their texts to the early years of the city. King Numa frequently symbolized this claim: he is associated with the foundation of the rites (*sacra*) by several authors; going even further, Granius Flaccus published legislation under his name in his *On the Papirian Law*, and Aelius Stilo may well have assigned authorship of the Salian Hymn to him. Etymology was the intellectual tool that could most easily support these claims; its very common use in civil-theological texts signaled the intellectual search for original Roman religion.

So too the rabbis of the Mishnah are careful to project the traditionality of their image of Judaism. The best-known passage for this assertion is the opening of *Avot*, which asserts the origins of the Torah of the rabbis at Sinai:

Moses received *Torah* from Sinai and transmitted it to Joshua, and Joshua to the elders, and the elders to the prophets; and the prophets transmitted it to the men of the Great Synagogue.⁴²

This chain of tradition continues in the first two chapters of this tractate and includes, significantly, Judah ha-Nasi and his son Gamaliel, the rabbis most closely associated with the redaction of the Mishnah.⁴³ The implication is clear: the rabbinic text is assimilated to Mosaic Judaism. There are a couple of other passages with similar claims: various details about traditions about agricultural practice, the status of Moab, and the future role of the prophet Elijah are traced back to Moses at Sinai.⁴⁴ Citation of the Pentateuch as part of Mishnaic discourse also creates the impression that the rabbinic textualization depended on Moses’s own words. Even though it is not always explicit, much of the content of the Mishnah is presented as if in force while the Temple still functioned, though modern studies have raised doubts about the historicity of large portions of the Mishnah’s content.⁴⁵ A few innovations—known as *taqqanot*—are openly attributed to the rabbis, but the clarity with which these novelties are marked only furthers the impression that the Mishnah records a substantially traditional Judaism.⁴⁶

Within the overall picture of profound differences between Roman and Jewish religious cultures, the similarities of rhetorical and intellectual strategies between the civil-theological and rabbinic projects of

textualization are striking. It is not enough, however, simply to mark resemblances; rather, they can stand as a provocation to reread the evidence for civil theology, or, in J. Z. Smith's terms, to "re-vision" the phenomenon.

Debate and Authority

From such a rereading, one particular feature stands out: the Mishnah, and rabbinic literature in general, is intensely citational. The rabbinic literary form depends on the recording of various views on the same topic. To return to *m. Berakhot* 1.1, the passage included three separate opinions about when to recite the evening *Shema*: one by Rabbi Eliezer, one according to the anonymous consensus of the Sages, and one by Rabban Gamaliel. According to Shaye Cohen and Steven Fraade, this willingness to cite a plurality of views on a topic is fundamental to the program of the Mishnah.⁴⁷ In the words of Moshe Halbertal, the Mishnah is the "codification of controversy."⁴⁸ I suggest that this tendency to cite the views of various rabbis as part of the textualization of Judaism in the Mishnah makes a useful comparison for understanding another feature of the discourse of civil theology. Although the Roman authors had a very different concept of authorship, they also frequently cite the opinions of others on the details of Roman practice, even when they differ. The Mishnaic pattern of citation can help us understand how this habit supported the authority of the textualization of the religious tradition.

This discourse of citation and disagreement in the Mishnah is a broad phenomenon. The rabbis of the Mishnah do not just dispute the application of prescriptions for present practice, as in tractate *Berakhot*, but also the details of the past. For example, in a passage from the tractate on instantiations of a very rare ritual involving the ashes of a red heifer, *Parah*, Rabbi Meir contests the names of the high priests responsible for the seven performances of the ritual given by an anonymous authority.⁴⁹ There the dispute revolves around whether to count the Mosaic (and, so, pre-Second Temple) performance of the rite as one of the seven. In a similar, rather spectacular passage from *Yoma*, the tractate on Yom Kippur, Rabbi Yose intrudes on the narration of the ritual at precisely its most sacred moment, the entry of the High Priest into the Holy of Holies, in order to disagree about the number of curtains in the Temple.⁵⁰

At the start of *Eduyot*, an unusual tractate that is not arranged by subject matter but according to the statements of individual rabbis, there is a passage that addresses precisely this habit:

And why do they record the words of the individual against those of the majority, whereas the law may only be according to the words of the majority? So that if a court approves the words of an individual it may rely on him, since a court cannot annul the words of another court unless it exceeds it in wisdom and in number . . .

R. Judah said: If so, why do they record the words of the individual against that of the majority when it does not prevail? That if one shall say, "I have received a tradition," another may answer, "You heard it as the opinion of so-and-so."⁵¹

Why did the Mishnah record ideas about Jewish norms in the form of debate? This passage is an internal reflection of the Mishnah on this characteristic habit and canvasses two possible reasons for it.⁵² According to the anonymous voice of the text, the citation of a minority opinion may allow a future court to follow the words of the individual against the previous majority; according to Rabbi Judah (here, paradoxically, the dissenting individual) it is to prevent the citation of an individual opinion as if it were the majority one. At stake here is not so much pluralism as authority: both the majority and Judah accept that the purpose of recording minority views is to ensure a consensus outcome. The practice is, then, a little less irenic than it may seem: discursive authority is the goal.⁵³ The point is less to admit the possibility of varied opinions than it is to advertise the participation of various figures in the game. The rhetoric of citation and disagreement in the Mishnah does construct an image of rabbinic society: one that is open to multiple opinions, as long as the participants play by the same rules and aim at the same discursive goal, an authoritative textualization of Judaism. Eliezer, the Sages, and Gamaliel in *m. Berakhot* 1.1 disagree about when to recite the *Shema*, but, according to the text, all three effectively participate in and assent to the codification of this practice.

We can trace a similar dynamic in the discourse of civil theology. The civil theologians were keen to cite other interpretations, even when they preferred alternatives. The origins of this habit may lie in the doxographical tendencies of Greek philosophical discourse, but the Roman authors adapted it to the textualization of their own culture. For example, we encounter citation even on small details of ritual practice:

the first-century BCE author Veranius cited his second-century predecessor, Fabius Pictor, for the correct term for the action of throwing the entrails after sacrifice.⁵⁴ Similarly, we find Valerius Messalla Rufus, writing in the first century BCE, citing Tuditanus (second century BCE) for details about the relationship between the auspices and *imperium* in his book *On the Auspices*.⁵⁵ In these cases, it seems that Veranius and Messalla approved of their predecessors' textualization of Roman practice and quoted them as authoritative.

This was not always the case. Varro, in particular, seems to have been willing to quote authors for differing details and explanations for religious phenomena. It has been suggested that the preservation in later authors of fragments of various Republican intellectual writers depends on Varro's willingness to cite other opinions.⁵⁶ Two of the five preserved fragments from his dialogue on the worship of gods, the *Curio*, include citations of earlier writing on Roman religion: Mucius Scaevola's version of the tripartite theology and a quotation of two lines of apparently monotheistic poetry from Valerius Soranus.⁵⁷ Elsewhere Varro cites Valerius Soranus's explanation for the term *favisae*, temple treasuries.⁵⁸ To take another example, Varro relates the etymology proposed by the second-century authors Fulvius Nobilior and Junius Gracchanus that April was named by Romulus for his ancestor Venus (Aphrodite), even though he differs and prefers an etymology from *aperio* (open).⁵⁹ The dispute here revolved around the age of the calendar (whether it was Romulan or pre-Romulan).⁶⁰ In other words, both sides agreed on the dating of the Roman institution to the earliest period of Roman history, so all that was left to argue about was exactly how archaic the names of the months were.

In a fragment from the *Divine Antiquities*, Varro provides some "false" etymologies for Latin words, given by Aelius Stilo, apparently ignorant of archaic Greek precedents.⁶¹ At the end of the passage, however, he praises Stilo: "I do not now disparage L. Aelius' intelligence, but I praise his effort: fortune brings success; praise follows endeavor." Despite the negative judgment on Stilo's opinions, Varro lauded him for his commitment to the intellectual forms of civil theology. Elsewhere, Varro cites Stilo's writings approvingly: his etymological explanation for the equivalence between the Roman god Dius Fidius and the Greek Castor and Sabine Sancus is given in the *On the Latin Language*.⁶² Although the Roman practice of citation happens between texts and the

Mishnaic takes place within a single text, we can see here the similarity between the habit of citation in civil theology and the Mishnah. In both discourses, citation of other opinions worked not so much to exclude other textual versions of the same practice or detail but rather to advertise shared presumptions and methods, even if sometimes the final result was not the same.

This rhetoric of citation and debate in the Mishnah has not always been received well. Solomon ben Jeroham, a Karaite (a nonrabbinic medieval Jew), gave a critical response to this particular aspect of the Mishnah's rhetoric:

I have set the six divisions of the Mishnah before me. And I looked at them carefully with mine eyes. And I saw that they are very contradictory in content. This one mishnaic scholar declares a thing to be forbidden to the people of Israel, while that one declares it to be permitted. My thoughts therefore answer me, and most of my reflections declare unto me, that there is in it no Law of logic nor the Law of Moses the Wise.⁶³

Similarly, Arnobius of Sicca, a Christian apologist, took great delight in the disagreements between Roman intellectuals about the meaning of Roman cult terms. He gives a lengthy run-down of all of the Roman intellectual interpretations of the term *Novensiles*.⁶⁴ Piso thought that the *Novensiles* were nine gods from the Sabine country; Granius Flaccus and Aelius Stilo suggested an identification with the nine Muses; Varro proposed some kind of divine hypostasis of the number nine; Manilius claimed that they were the gods granted thunderbolts by Jupiter. Arnobius has great fun with all of this "pagan" difference and debate. It is likely, however, that he found this collection of opinions as a group of citations in a civil-theological text, probably one of the works by the imperial author Cornelius Labeo; his polemic point depends on the rhetoric of citation and debate in civil theology.⁶⁵ Both Arnobius and Solomon ben Jeroham, coming from very different theological positions, mistake the citation of differing opinions and acceptance of debate as flaws in the discourses of civil theology and the Mishnah. I suggest this rhetoric is part of the construction of textual authority in both discourses. The discursive embrace of differing opinions was part of the textualization of religious practice.⁶⁶ In both cases, citation and debate assert the collective authority of civil theologians or rabbis collaborating on the textualization of a religious system.

Rabbis and Priests

Moving beyond rhetoric, another significant feature of the Mishnah is the way that the text shapes its content according to the interests of the rabbinic group. Comparison of this tendency with civil theology can highlight how the Roman authors wrote down an interested version of “Roman religion.” The relationship between text and subject matter in both cases is delicate and varied, but, on the whole, the priorities of the social groups affected the overall tendencies of textualization. Most clearly, the Mishnah positions the rabbis as the authorities for Jewish life. From this perspective, the evidence for ancient Judaism presents an unusually good opportunity: we have access to alternative sources that demonstrate the extent to which the text magnifies the role of the rabbinic social group.

Like other forms of ancient Judaism, the tannaitic vision of Judaism in the Mishnah is organized around the Temple and Torah. Despite the destruction of 70 CE, a large proportion of the text is related to the cult of the Temple. This content, as recent critical study has demonstrated, is not simply a record of the Temple cult “as it really was” but is reshaped in the process of textualization.⁶⁷ The Mishnah repeatedly projects rabbinic authority onto descriptions of the Second Temple period—a habit that scholars have, justly, called “rabbinization.” In particular, the rabbinic text appears to limit the role of the Temple priesthood. For example, in *Yoma*, which narrates the Temple ritual for Yom Kippur, the ritual begins with instruction of the High Priest by the court and the administration of an oath that he will follow the prescribed ritual.⁶⁸ Comparison with other sources reveals that this idea of a (proto-rabbinic) court in control of Temple rites is not historical but a tradition invented by the rabbis.⁶⁹ Similarly, later in *Yoma*’s narration of the ritual, Naftali Cohn has suggested that Rabbi Yose’s exegetical interjection about the number of curtains at the moment when the High Priest enters the Holy of Holies is an assertion of rabbinic authority over priestly primacy.⁷⁰ In the process of textualization, the Mishnah moves far beyond a straightforward account of the Temple and its rituals and inserts the rabbis themselves into the textual Temple.

With regard to the other pillar of ancient Judaism, the Torah, a similar process takes place: the Mishnah insistently positions the rabbis as authorities. This is most clear in the many short narratives—the

ma'asim—that relate rabbinic judgments on points of law. We have already met the first such story in the Mishnah: the example of Gamaliel ruling about the validity of a recitation of the *Shema* on the return of his sons from a wedding party, in *m. Berakhot* 1.1. Here Gamaliel happens to be on the spot; in many other stories, the rabbis are approached by individuals looking for rulings. The effect of these stories is to present the rabbis as experts in the conduct of Torah-observant life. In an elaborate case from the tractate on the menstruant woman, *Niddah*, a woman approaches Rabbi Akiba about how to interpret a bloodstain—should it be taken as a sign of menstrual impurity? The rabbi asks her a series of questions to establish the origin of the stain—wound or menstruation—and finally rules that she is pure. Charlotte Fonrobert writes of this story, “in the Mishnah, the rabbis are staged as ‘gynecologists,’ so to speak, as authoritative interpreters of women’s bodies.”⁷¹ Moshe Simon-Shoshan has recently analyzed Mishnaic stories of this kind as a discourse of authority.⁷² He shows how across the whole of the Mishnah these stories stand in dialogue with the textualization of Jewish practice—sometimes even interrogating rabbinic wisdom, but ultimately asserting the collective authority of the rabbis over Jewish life. We can differentiate this textual centrality of the rabbinic group from actual social centrality. Recent study of post-Temple Palestine, particularly of material evidence, has minimized the significance of the rabbinic group for wider society, even suggesting that most Jews assimilated with eastern Mediterranean polytheistic culture and ignored the rabbinic authority.⁷³ In terms of both the Torah and Temple, then, the differences between the Mishnah’s textualization and nonrabbinic evidence suggest that the Mishnah inflates the rabbis’ role in Judaism.

In light of the overall similarities of textualization, is there a civil-theological correlate to the Mishnah’s partiality? From this viewpoint, it is striking how Roman elite priesthoods—particularly the pontifical and augural colleges—were at the center of the civil-theological construction of a “Roman religion.” As we have already seen—in Chapter 1—these priestly colleges were commensal societies drawn from the social and political elite. In civil theology, however, the elite priesthoods provided taxonomies for the textualization of “Roman religion.” Cicero divided the cult of the Roman people (*populi Romani religio*) into the spheres of the pontiffs (*sacra*), augurs (*auspicia*), and the elite divinatory priesthoods, the *haruspices* and the *quin-*

decemviri.⁷⁴ In his ideal religious system in *On the Laws*, he suggested a similar division of religious jurisdiction between the priesthods.⁷⁵ Varro, too, structured the first part of his *Divine Antiquities* around the pontiffs, augurs, and *quindecimviri*. Similarly, the framing of literary works as treatises on pontifical and augural law—the jurisprudential mode of civil theology—used the colleges as points of departure for textualization. By playing this structural role in the texts, the Roman aristocratic priesthods receive an analogous treatment in civil theology to the rabbis in the Mishnah: they are placed at the center of religious practice.⁷⁶

Beyond taxonomy, these same priesthods were especially prominent in the content of the books. For example, Fabius Pictor's early work contained rules for the *flamen Dialis*—a member of the pontifical college—alongside prayer formulae associated with other members of the college. From a later period, pontifical concerns pervade the fragments of Veranius.⁷⁷ Similarly, the textualization of the *Annales Maximi*, associated with the *pontifex maximus*, and Granius Flaccus's *Papirian Law*, which used the name of a *pontifex maximus*, also demonstrate this preoccupation. The augurs appear also to have generated a good deal of literature on their own activities: from just a single decade—the 50s BCE—we have books on augury by Claudius Marcellus, Appius Claudius, and Cicero.⁷⁸ Other priesthods, such as the Salian priests, open only to patricians, also became the subject of books.⁷⁹ Just as the Mishnah positions the rabbis as guardians of proper Temple ritual and of Torah-observant life, the textual version of "Roman religion" presented the elite priests as the lynchpin of Roman interaction with the gods.

Comparison with the Mishnah can sensitize us to how civil theology produced an interested version of "Roman religion." Just as the rabbinic Mishnah advanced claims of rabbinic centrality, the elite authors of civil theology, several of whom were members of the pontifical and augural colleges—as we have seen in the last chapter—emphasized the priesthods that were the prerogative of their own class. Modern historians of Roman religion have generally been willing to follow the ancient elite texts on the civic importance of the pontiffs and augurs. By contrast, comparison with the Mishnah's emphasis on rabbinic primacy suggests that we question this tendency in both civil theology and modern descriptions of Roman religious life.

Yavneh and Reate, Jerusalem and Rome

J. Z. Smith once asked “to what might Mishnah be compared?”⁸⁰ My answer, Roman intellectual writing on Roman religious practice—civil theology—may strike some readers as jarring or unlikely, given the differences between post-Temple Judaism and Republican Rome; but, as a thought experiment, comparing the Mishnah and civil theology defamiliarizes the Roman literature and encourages new readings. The intellectual projects of Yavneh and Reate stem from a shared dilemma: how to encompass religious practice in text? The responses to this problem, dynamics of description, demarcation, and assertion of tradition, are matched in both cases with “legal” rhetoric and a habit of citation. At the same time, these analogous textual strategies enabled both the rabbis and the Roman elite to emphasize the role of their own social group in religious life.

At the time of its redaction, the Mishnah did not have the status of Torah—scripture. Both rabbis and Romans created authoritative textual versions of their own religious cultures without a direct sacralization of text. Beyond the particular congruences, comparison therefore also offers something more: a glance toward the general questions that I will address in my conclusion. If neither Mishnah nor civil theology fits the established category of “scripture,” how then should we understand the role these texts played in the formulation of “rabbinic Judaism” and “Roman religion”? Can the comparison with the Mishnah suggest another way of conceptualizing the relationship between civil theology and Roman religious practice and thought?

The Mishnah’s status as “nonscripture” did not last long. Early in the Amoraic period—the generations of rabbis cited in the two Talmuds—the text acquired the status of Oral Torah, given at Sinai alongside the Written Torah of the Pentateuch.⁸¹ Amoraic and subsequent rabbinic texts refined the understanding of the relationship between the two forms of Torah; even elevating the Oral Torah over the Written. In the face of the continued absence of the Jerusalem Temple, there are signs that the Mishnah started to play a different role: the text itself, particularly the portions on now-impracticable Temple rituals, came to replace those rituals.⁸² For example, the text of *Yoma* became part of the rabbinic liturgy for Yom Kippur in late antiquity, effectively replacing the annual sacrifice. Amoraic texts offer several statements of

the idea that study of Torah—Mishnah included—was a substitute for Temple sacrifice.⁸³

It was different for the Romans. Readers never understood civil theology as scripture—reading and interpreting books did not replace ritual action as a central element of religious practice. Nevertheless, as we will find in the next part of the book, the Republican books on religion played an important role in forming ideas of what counted as “Roman religion” during the imperial period.

PART III



READING
ROMAN
RELIGION

5



Emperor as Reader

*Delicta maiorum inmeritus lues,
 Romane, donec templa refeceris
 aedisque labentis deorum et
 foeda nigro simulacra fumo.
 dis te minorem quod geris, imperas.
 hinc omne principium, huc refer exitum:
 di multa neglecti dederunt
 Hesperiae mala luctuosae.*

Undeservedly, you will atone for the wrongs of the ancestors,
 Roman, until you restore the temples
 And the ruined shrines of the gods and
 the statues covered in black ash.
 You rule because you hold yourself as less than the gods.
 Take every start from this, bring the end back to it.
 The neglected gods gave many
 ills to grief-stricken Italy.

—HORACE, *Odes* 3.6.1–8

HORACE REVEALS HIMSELF as a reader of civil theology; the language in his sixth Roman Ode mirrors late Republican writing on religion. Varro had promised in his preface to save the Roman gods from the “neglect of the citizens.”¹ According to Augustine, the *Antiquities* described countless temples in the city that would otherwise be unfamiliar.² Elsewhere Varro laments that even the names of Summanus and Furrina, both old Roman gods, have been forgotten.³ Cicero, too, complains that the religious calendar has suffered from pontifical neglect.⁴ In the late Republican books, as we have seen, this language of desuetude supported claims to intellectual authority on the part of the

writers. Writing two decades later, Horace demonstrates how the same terminology and the overall emphasis on the idea of an “original” Roman religion could be accommodated to the political circumstances of post-civil war Rome.

Horace has a well-deserved reputation as an on-message Augustan poet; the documents issued from Augustus’s court suggest that the neglect that the poet—and Varro and Cicero—worried about was a problem that the new emperor was there to solve.⁵ The new monarch’s personal role in the “restoration” of Roman religion was a central plank in the legitimization of the changed political order.⁶ Certainly, we find, especially in monuments produced and influenced by the imperial circle, the *princeps* himself constantly connected with the restoration of “old” cults and temples. The text of the *Res Gestae Divi Augusti*, the imperial autobiography-cum-epitaph-cum-financial statement set up on bronze tablets outside Augustus’s mausoleum, provides a litany of this kind of imperial action: eighty-two restored temples; participation in many priestly colleges (some, like the Arval Brothers, recently revived from dereliction or perhaps even institutionalized for the first time); the closure of the temple of Janus Quirinus, an act associated with peace; and the renewed performance of the Secular Games.⁷ It is possible to find inspiration for all these restorations in the late Republican books on religion.⁸

Following the ancient sources, the story of an Augustan religious revival is a familiar one in modern histories of Roman religion. Historians have, however, neglected the intellectual underpinnings for this policy provided by the books of civil theology.⁹ Indeed, John North has recently argued that Varro’s late Republican articulation of “Roman religion” became obsolete in the imperial period.¹⁰ Against that view, I propose here that the books of civil theology played an important role in shaping ideas of “Roman religion” in the imperial period. Most significantly, the so-called Augustan revival was not a return to any version of lived Roman religion; as we will see, it was an installation of the “Roman religion” produced by late Republican intellectual literature.¹¹ Augustus set the pattern for early imperial reception of the books: the written “Roman religion” of the books was now implicated with monarchic actions and discourse. His successors followed his lead in using both the books and claims to restoration to support their own regimes.

The role, then, that civil theology played in the new society of the Roman imperial period is the subject of this chapter.¹² We should not, however, imagine a straightforward appropriation of civil theology by the imperial court. As we will find, learned books on religion enabled elite claims to autonomy and even direct critique of monarchs. Following the imperial history of civil theology means that we account for the diverse uses and responses to civil theology and its written “Roman religion.” In order to demonstrate the varied trajectories of civil theology in this period, the chapter is divided into three parts: the first considers how the books provided the resources for the legitimization of the ritual agency of the emperor; the second examines the transformation of the civil theologian from competitive aristocrat to member of the court; finally, the third looks at the use of the learned books on religion in aristocratic responses to monarchic rule. We will find that the significance of the books in all three spheres is attached to the figure of the emperor.

Written Rituals

Augustus the restorer of Roman religion was Augustus the reader. As the coincidence between Varro and Cicero’s rhetoric, Horace’s *Ode*, and the *Res Gestae* has already suggested, the overall articulation in civil theology of a religious system that was particularly Roman and archaic was echoed by Augustus’s own revivalism. Beyond this general influence, the written religion of the books provided the new emperor with opportunities for spectacular displays of piety and for honors that could be justified in terms of Roman religious tradition. Augustus set an important precedent for his successors, many of whom performed the same rituals and were given the same honors. We can trace this imperial reception and appropriation of the “Roman religion” of the books through three examples: the revived fetial rite, the celebration of the Secular Games, and the extension of the *pomerium*, Rome’s ritual boundary.

In the late summer of 32 BCE, the Roman aristocracy, in military dress, followed Octavian (not yet Augustus) out to the temple of Bellona on the Campus Martius.¹³ There, acting as a fetial priest, the emperor-to-be threw a spear as a declaration of the final war of the Republic: the war against Egypt and her queen, Cleopatra VII. We have a good idea of what the ritual involved: as he threw a bloody spear into a patch of earth, understood as Egyptian territory by legal fiction, Octavian

must have recited a solemn formula of war declaration: “I declare and make war” (*bellum indico facioque*). By performing the spear rite, he legitimized his Egyptian war as a just war, sanctified according to the customs of the fetial priests. The ritual theatrics, writes the historian Dio, were designed to obfuscate the truth that this war was a civil war against Antony. The ritual worked: not only did the Roman gods apparently favor Octavian at Actium; later sources present the Actian War as an external one.¹⁴ Beyond its place as the prologue to the final act of the Roman civil wars, Octavian’s spear throw is the first example of the relationship between books and ritual in the early imperial religious “revival.”

Although later authors claim that the spear ritual was routine, there are no documented instances of the performance of this rite in the historical period before 32 BCE.¹⁵ The fetial priests, the archaic priesthood charged with the religious rituals of war making and peacemaking, had been marginalized during the Roman wars of expansion in the last three hundred years of the Republic.¹⁶ There was, however, a lively interest in the priesthood among intellectual writers on Roman religion. Both Cicero and Varro placed the fetial priests within their textual constructions of “Roman religion.” Cicero included them in his religious constitution in *On the Laws*, between the laws establishing augurs and *haruspices*.¹⁷ Relying on etymology, Varro connected the name of the priesthood with *fides* (trust) and the related word for treaty, *foedus*.¹⁸ The books also asserted the place of the fetials in the early religious system of the city.¹⁹

In all of this writing on the fetials, the ritual of the spear throw seems to have been a particular concern. Early on in his history, Livy gives an account of the verbal formulae and ritual actions of the priests on the occasion of King Ancus Marcius’s declaration of war against the Latins, from their initial ultimatum to the enemy to the moment of the spear throw, which was conducted, according to Livy, at the edge of enemy territory.²⁰ As modern scholars have recognized, this description of the ritual can hardly be taken from the historian’s personal observation of such rituals, which were, at best, in abeyance; rather, the historian must have found it in some late Republican texts.²¹ A fragment of the Republican writer L. Cincius, preserved by Aulus Gellius, provides evidence for these earlier book versions of the spear-throwing ritual. Cincius records the words of the fetial priest throwing the spear into enemy territory: “Since the Hermundulan people and individual Hermunduli have

made war against the Roman people and are at fault, and since the Roman people have voted for war against the Hermundulan people, for that reason, I, together with the Roman people, declare and proclaim a war against the Hermundulan people."²²

Therefore, I suggest that the performance of the fetial spear throw in 32 BCE demonstrates how Octavian read civil theology.²³ Octavian can only have encountered the rite in the books of writers like Cincius. His decision to perform the ritual in ink, which served his local need to justify his war against Antony, allows us a glimpse of the role of civil-theological writings for the shaping of imperial conceptions of "Roman religion." Octavian used the written versions of fetial ritual and could count on the audience, apparently mostly the Senate, to understand the ritual's connotation: the declaration of legitimate war. The turn to the books at this pivotal moment demonstrates how they had become authoritative for what counted as Roman religion and what it meant.

As an index of how this authority developed, both directly and through the example of Augustus, we can trace the continued revival of the fetial ritual by Claudius (ruled 41 to 54 CE) and Marcus Aurelius (ruled 161 to 180 CE). During the reign of Claudius, the historical situation of relatively settled frontiers and no internal opponents led to an emphasis on a different aspect of fetial ritual: peacemaking. Suetonius is our guide. Claudius, he tells us, confirmed treaties with foreign kings—including Agrippa I of Judaea—in the Forum accompanied by "sacrificing a sow and using ancient fetial prayer."²⁴ As Suetonius's language implies, this performance depended on the reuse of "old" ritual formulae—almost certainly found in learned books.²⁵ A Claudian inscription from the temple of Jupiter in Pompeii provides another glimpse of this ritual revival. In the text, Sp. Turranius Proculus Gellianus advertises his ritual role as *pater patratus populi Laurentis*—a fictional fetial priest for a long-conquered Roman town, Lavinium—in an apparent renewal, at the suggestion of the Sibylline Books, of the treaty between Rome and nearby Lavinium.²⁶ Even before his unlikely rise to power, Claudius had fostered a personal interest in archaic history and intellectual culture; once he was *princeps*, these interests appear to have become legitimating principles.

We have a very brief notice that Marcus Aurelius, more than a century after Claudius's fetial revival, again turned to the spear-throwing ritual to declare war. In 178, Marcus initiated a major campaign on the

northern frontier by throwing a bloody spear at the temple of Bellona.²⁷ We do not know whether he drew on Republican learned literature for this ritual, though it is suggestive that Aulus Gellius, writing in his reign, recorded Cincius's text of the fetial declaration, or whether he saw himself as simply following the precedent set by Augustus. In fact, this uncertainty is emblematic of how written "Roman religion" of the books came to shape religious practice even centuries after they were written—by the second century, Augustan precedent and the authority of the books had become intertwined.

The influence of civil theology was not always so direct: the imperial court also appropriated the intellectual style and interests of the late Republican books on religion but adapted their contents to suit contemporary needs. The imperial celebrations of the festival of Secular Games show how imperial authorities could choose to diverge from or conform to the constructed "traditional religion" of Republican civil theology. In 17 BCE, Augustus himself initiated a celebration of the Secular Games.²⁸ The performance was a triumph of a characteristically Augustan combination of monarchic power and appeals to the Roman past. The inscription that records the format of the Augustan Secular Games—a sensational discovery in 1890—provides an exceptionally clear account of the proceedings: over three days and nights, a series of sacrifices were offered to deities. At night, the sacrifices were for chthonic gods on the Campus Martius (the Moirai, Ilythiae, and Terra Mater); during the day, the sacrifices were on the Capitoline (for Jupiter and Juno) and on the Palatine (for Apollo and Diana).²⁹ Horace's *Secular Hymn* was a significant part of this complex of ritual actions: on the third day, a choir of twenty-seven boys and twenty-seven girls sang the hymn on the Palatine and Capitoline hills.³⁰ The inscription places Augustus himself at the center of all of this: he conducted the sacrifices to all the deities except Juno, spoke many of the prayers, and was present for almost every part of the ritual, including Horace's hymn.

In this light, there may be no single word in all of Augustan poetry as misleading as the word *certus* in the twenty-first line of Horace's hymn. The confident adjective—meaning "fixed" or "determined"—describes the number of years in a *saeculum*: one hundred and ten.³¹ This figure, however, was hardly fixed: the civil theologians of the late Republic had a quite different idea of the length of a *saeculum*. In fragments of learned books from this period, we consistently find one hun-

dred years—a century in our terms—as the length of a *saeculum*. Varro made an etymological connection with the Latin word for “old man” (*senex*) and suggested that one hundred years was the longest possible human lifetime.³² The time period described the interval between performances of a rare religious festival, the Secular Games, held on the Campus Martius.³³

How, then, could Horace describe a 110-year cycle as *certus*? 17 BCE was not a likely year for the Secular Games: the previous instantiations had been held in 249 and 146 BCE and, as we have seen, the late Republican *saeculum* lasted one hundred years. The regime turned to a supportive scholar: Ateius Capito, author of the works *On Pontifical Law*, *On Sacrificial Law*, and *On Augural Law*.³⁴ A 110-year *saeculum* was calculated, a suitable Sibylline Oracle was produced to substantiate this claim, and a new set of “historical” performances of the ritual was publicized (in 456, 346, 236, and 126 BCE).³⁵ The characteristic tendencies of civil theology shine through: a concern with origins, a willingness to edit religious texts, and, above all, an interest in fixing a previously changeable religious practice.³⁶ This need to rely on bookish learning was understandable—the Games had not been given for 129 years—but the intervention by Capito also shows how the authority of civil theology could be redirected to support grand Augustan religious revivals.

In 47 CE, Claudius sponsored another iteration of the Secular Games.³⁷ Just as with the Augustan performance, the Claudian games allowed the emperor to claim a highly visible role as presider: stories in Suetonius and Tacitus emphasize Claudius’s presence in the Circus during these games.³⁸ However, only sixty-four years had passed; still, a learned justification could be found. Suetonius suggests there was some kind of public correction of the Augustan *saeculum*, even though Claudius the historian, writing before his own principate, had supported the 110-year version.³⁹ The Claudian claim to have the right to celebrate the Secular Games in 47 CE on the eight hundredth anniversary of the city may have rested on a return to the Varronian hundred-year *saeculum* and date for the foundation of Rome (753 BCE). On these terms, it was an appropriate year for the games: the eight-hundredth anniversary of the foundation of the city. The short *saeculum* apparently gave rise to jokes: there was mockery of the traditional announcement of the *Ludi* which no living person had seen; the suggestion by L. Vitellius (father of the emperor of 69 CE) that Claudius should give them “often” was

ridiculous flattery; the achievement of a certain Stephanio, who danced in both the Augustan and Claudian Secular Games, was just ho-hum.⁴⁰ Despite the—probably mostly post-Claudian—mockery, there was good bookish support for the date.⁴¹ The return to one-hundred-year cycles and the connection with the Varronian calculation of the date for the foundation of the city (753 BCE) suggests a return to the written Secular Games of late Republican civil theology.

Even this did not stick: there were further celebrations of the Secular Games under Domitian (in 88 CE), Antoninus Pius (in 148 CE), Septimius Severus (in 204 CE), and Philip the Arab (in 248 CE).⁴² The mathematics are less precise than we might wish, but it appears that these dates reflect an oscillation between the Varronian and Claudian century and the Ateian and Augustan 110-year *saeculum*. In the case of Domitian, Suetonius tells us that the celebration in 88 was a deliberate return to Augustan calculation; the inscribed records of the Severan Secular Games explicitly state that the *saeculum* lasted one hundred and ten years.⁴³ Rather than taking this variation to mean that Republican civil theology was not authoritative in the imperial period, we can use it to see how learned books on religion provided both the conceptual basis for religious revival, by encompassing a set of specifically Roman ritual practices in text, including the Secular Games, and the intellectual tools that Ateius Capito used to justify the imperial appropriation of these same rituals.

We have already seen that Claudius took up the Augustan revivalism. My final example of the imperial use of the books, the Claudian extension of the *pomerium* in 49 CE, demonstrates that he did not only rely on Augustan mediation of civil theology to support his ritual actions. The *pomerium*, an apparently archaic ritual boundary for the city, had been the subject of civil-theological interest since the late Republic.⁴⁴ In typical terms, Varro made an etymological connection with the city wall.⁴⁵ Similarly, a passage from Gellius, that can plausibly be traced to the books of Valerius Messalla Rufus on auspices, links the *pomerium* with imperial territory; if the borders of the Roman empire expanded, so should the sacred boundary of the city.⁴⁶ This idea of extension of the *pomerium* was retrojected to the origins of the city: it appears, for example, in Livy's description of Servius Tullius's construction of the first city wall.⁴⁷ This theoretical understanding of the *pomerium* was the context for the ritual extension in 49, which is attested in both literary

texts and by the discovery of inscribed boundary markers (*cippi*).⁴⁸ This Claudian extension of the *pomerium* was a prominent act: over one hundred of the two-meter high *cippi* were set up across the city, including the Aventine Hill for the first time. Significantly, the Claudian expansion depended on learned claims of continuity with a primordial ritual of Roman religion. The evidence for these claims is a digression on the early history of the *pomerium* in Tacitus's *Annals*. He writes that the Claudian extension was conducted in accordance with the ancient custom, as Sulla and Augustus had also done, and then discusses the original circumference of Romulus's *pomerium*, extended to the Capitoline only by Titus Tatius. Recent scholarship has convincingly argued that the Tacitean passage is based on Claudius's own oration to justify the extension.⁴⁹ His invocation of Augustan precedent is probably best taken as a convenient invention. Beyond this, Claudius's apparent concern to establish the roots of a ritual in the primordial past and in the material culture of the city is a testament to the success of civil theology's construction of what counted as "Roman religion."

Like the Augustan revivals, the Claudian extension of the *pomerium* inaugurated a new imperial pattern. The law for Vespasian's accession that summarized imperial powers included, with Claudius as explicit precedent, an enumerated right to extend the *pomerium*.⁵⁰ In 75 CE, according to stone markers of the new boundary, Vespasian used this power and followed Claudius in expanding the boundary.⁵¹ In 121 CE, more stone markers attest that the augural college, on Hadrian's initiative, restored the boundary stones of the *pomerium*.⁵² There is no sign on these inscriptions that reference was made to the books; instead, as in the other examples that we have considered, the influence of the books was mediated by the imperial precedent.

In general, these three examples highlight the influence of learned texts on Roman religion on the imperial ritual performances of the early and high Roman Empire. As should now be clear, the Republican literature did not simply serve as a how-to manual for these imperial rituals. Instead, the priorities of the books encouraged the emperors to perform certain rituals, like the fetial rite and the extension of the *pomerium*, and their intellectual style influenced how these imperial restorations were justified as returns to an original Roman cultic practice, as Capito did for Augustus's Secular Games and Claudius apparently did for his own extension of the *pomerium*. In each case, the readings of the learned

literature on Roman religion were selective and the performances of written rituals adjusted to support the personal legitimacy of the emperor.

It is notable that Augustus has been particularly prominent here: he used civil theology to legitimize his novel position in the Roman political order, setting a pattern that his successors followed. Augustan exemplarity, therefore, became an important path for the—sometimes indirect—transmission of civil theology and its written “Roman religion” through the first three centuries CE. Perhaps influenced by his personal intellectual interests, Claudius chose to follow Augustus’s example particularly keenly. This personal devotion, as I will suggest later in this chapter, opened him to criticism and mockery. At the same time, the impact of civil theology in the imperial period was not confined to the initial period of the Roman monarchy: the continued performances of the Secular Games and fetial rituals into the second and third centuries demonstrate the success of the written rituals of the books.

Civil Theology at Court

The imperial history of civil theology was not always so spectacular. We have good evidence for the continued production of civil-theological books in the Augustan period. Our understanding of this continuity must be tempered by an awareness of the difference in social context. As we shall see, the competitive aristocracy no longer provided the social basis for the production of texts; instead, the books were produced by associates of the emperor.⁵³ If the primary audience for civil theology in the Republic had been other members of the elite, now the emperor became the most important implied reader. As with most of the late Republican examples, the remains of Augustan civil theology are—at times, frustratingly—fragmentary. We do, however, have enough to discuss some key figures and their written works.

The best attested civil theologian in this period is the freedman Marcus Verrius Flaccus. The capsule biography included in Suetonius’s *On Grammarians and Rhetors* portrays an outstanding teacher who was summoned to the Palatine as tutor for Augustus’s grandsons and would-be heirs, Gaius and Lucius.⁵⁴ Beyond his teaching duties, he wrote on Roman religious culture—on the calendar and, as a significant part of his *On the Meaning of Words*, on religious rituals, terms, and places. This

latter work, preserved in the epitome by the second-century author Festus—and, at another remove, by the abridgement of Festus's book by the Carolingian Paul the Deacon—provides valuable evidence for the continuation of civil theology in the Augustan period.⁵⁵

Verrius, like his Republican predecessors, wrote down a mass of detail about Roman religious culture. Some eight hundred entries in Festus's epitome of his work deal with religious material and almost all the characteristic style of civil theology can be found in the text.⁵⁶ As might be expected, given the lexical focus, appeals to etymology are extremely common. Some examples give a flavor: the word for "divine power" (*numen*) derives from the idea of a divine nod of approval (*nutus dei*); the epithets of Jupiter Feretrius and Vulcanus Mulciber can be understood in terms of common verbs, *ferre* ("strike") and *mollire* ("soften"); the shades of the dead (*Manes*) are etymologically connected with the verb *manare* ("to flow or spread out") because the *Manes* "spread out through all the air and the earth."⁵⁷ In the entries for temples, for example, the concern with establishing a Roman urban religious landscape is matched with the civil-theological preoccupation with origins: Lhommé notes that even recent foundations like the Augustan temple of Apollo Palatinus are connected with the early period of the city (in this case, the "square Rome" of Romulus).⁵⁸

Notably, Verrius Flaccus appears to have constantly cited theologians who were his predecessors or contemporaries.⁵⁹ Much of the work of prominent civil theologians that we have met in the previous chapters is best known through their appearance in the *On the Meaning of Words*.⁶⁰ I suggested in Chapter 4, using an analogy to the Mishnah, that citation of other civil theologians is part of the establishment of discursive community and authority. As a result, Verrius established himself as a collaborator with the late Republican intellectual writers on Roman religion. There seems to have been one surprising exception to this pattern: the name of Varro appears relatively rarely in Festus.⁶¹ The relationship between Verrius and Varro is the classic question in the study of both authors; the idea that Varro's influence on Verrius was minimal is a legacy of nineteenth-century philological study.⁶² Recent studies, however, have forcefully argued that Varro's writings were a central, but unacknowledged, source for Verrius.⁶³ This conclusion has consequences for our understanding of Verrius' place in the history of civil theology: we can see him as a real participant in the written

construction of “Roman religion” and his work as an Augustan augmentation of the grand project of textualization.

Despite these continuities with Republican civil theology, Verrius was a man of his time and place: his historical context and ties with the Augustan court had an effect on his textualization of Roman religious culture. For example, his description of the *pontifex maximus* as “judge and arbitrator of all human and divine matters” is suggestive of Augustus’s power as both *princeps* and *pontifex maximus*.⁶⁴ Many of the entries on temples had contemporary resonance, since it is likely that many of them were also counted in the eighty-two restored by the emperor in 28 BCE.⁶⁵ In these cases, Verrius updated the package of a traditional and particularly Roman religion to Augustan priorities.

The inscribed ritual calendar called the *Fasti Praenestini* provides a monumentalized version of Verrius’s Augustan civil theology. This singular document, only partially preserved, was set up in the forum in Verrius’s hometown of Praeneste in the first decade CE.⁶⁶ Like other inscribed calendars, the left side of each tablet lists the days of a single month, together with initials (C, F, NP, QRCF), which indicate the religious and civic status of the day, and the names of festivals celebrated on those days. Exceptionally, however, on the right-hand side there are extended explanations of the significance of the days and festivals.⁶⁷ This extra material is clearly the work of Verrius Flaccus himself.⁶⁸ As might be expected, much of this discursive material belongs to civil theology: etymological explanations are especially prominent, and origins of festivals and temples are a central interest. The name of the month April, for example, is derived from the goddess Venus, mother of Aeneas, or from the onset of spring, when flora, fauna, and both earth and sea are “opened” (*aperiuntur*).⁶⁹ The habit of noble exchange of invitations (*mutitationes cenarum*) to dinner on the festal day for the Magna Mater (April 4th) is explained by the fact that the goddess “exchanged” (*mutavit*) Phrygia for Rome.⁷⁰ The primordial origins of Roman religious culture also feature: the Larentalia in December is explained as the ritual in honor of Acca Larentina, who was either the nurse of Romulus and Remus or a prostitute who was a concubine of Hercules.⁷¹ There is even room on the inscription for intellectual debate: the day in March (24th) marked by the initials QRCF, resolved to *Quando Rex Comitavit Fas*, are mistakenly connected by “many” (*plerique*) to the flight of Tarquinius into exile from the assembly (*comitium*).⁷²

All of this civil-theological material is mixed with a thoroughly Augustan calendar, with many significant days for the new royal house marked in the text.⁷³ This includes military victories (at Mutina and Actium), religious actions (the closing of the temple of Janus, the inauguration of the temple of Vesta in Augustus's Palatine house) and honors (the taking of the name Augustus, the title of *Pater Patriae* and the assumption of the office of *pontifex maximus*).⁷⁴ The outcome is a monument that interweaves both learned and imperial discourse; the origins of Roman religion—as mediated through civil theology—are harmonized with contemporary Augustan practice.⁷⁵ It is also a chance to glimpse civil theology out in the suburbs; ancient (literate) viewers in the Latin town in the first century CE now had the chance to encounter civil theology away from the pages of learned books.

The *Fasti Praenestini*, then, lead us back to the social context of the learned discourse of civil theology. Verrius's work continues late Republican writing on religion, but this practice is now enmeshed in the priorities of the new autocracy. Verrius Flaccus, a freedman, was incorporated into the household of the *princeps* thanks to his role as tutor to Gaius and Lucius and the physical relocation of his school to the Palatine. This is all a long way from Varro or even Aelius Stilo; there is no longer a sense that this is a member of the social elite writing for peers. Rather, Verrius must have been highly conscious of one particular reader, Augustus himself, who was, after all, his patron.⁷⁶ But even in the broader social context, readers of Verrius Flaccus probably understood his work in terms of his social position as a freedman attached to the Augustan household. To make an analogy to slightly later examples, we have clear indications in texts by Pliny and Seneca that the social standing of the prominent court freedmen like Pallas and Polybius was understood primarily in terms of their association with the emperor.⁷⁷ Similarly, like other monuments set up in honor of freedmen associated with emperors, the Verrian monument in the Praenestine forum—the *Fasti Praenestini* and the accompanying statue—presumably advertised his position in terms of his relationship with Augustus.⁷⁸ In the case of Verrius Flaccus, the most prominent of the civil theologians in this period, it was the new regime that defined the social position of his writing on Roman religion.

Verrius Flaccus's work may give the impression that the Augustan elite had moved away from intellectual concern with Roman religion,

leaving the field open to educated freedmen. This was not the case: we have already met Ateius Capito, a prominent jurist, as the *exegete* of Augustus's Secular Games and probable author of the 110-year *saeculum*.⁷⁹ Twenty-two years later, he became consul and lived to serve Tiberius as manager of aqueducts (*curator aquarum*). We have fragments attributed to Capito from books entitled *On Pontifical Law* and *On the Law of Sacrifices* as well as from writings on augural matters.⁸⁰ As the titles suggest, these books continued the jurisprudential mode of civil theology, previously used by writers like Fabius Pictor and Veranius.

Despite the superficial social similarity between Capito and his late Republican predecessors like Varro and Cicero, his writing down of Roman religion, like Verrius Flaccus', was shaped by the fact of autocracy. Shadows cast by Augustan policy flicker across the fragments of Capito's work. One of the particular preoccupations of the emperor as *pontifex maximus* (from 12 BCE) was the filling of priesthoods, notably the post of the *flamen Dialis* and the college of Vestal Virgins.⁸¹ The norms for both priesthoods appear in the extant fragments of Capito. In particular, Plutarch provides evidence that he was concerned with the rules for the flamine of Jupiter.⁸² This office had been vacant since the civil violence of the 80s BCE but was now filled (probably in 11 BCE) by Servius Cornelius Lentulus Maluginensis. Tacitus provides hints that Augustus had established norms for this priesthood at this time, and Capito's interest seems likely to be related to this action.⁸³ Similarly, Augustus forced the appointment of Vestals from the ranks of daughters of the reluctant Roman elite, even claiming that he would have proposed his own granddaughters if they had been of correct age.⁸⁴ Fragments of Capito's work, preserved by Aulus Gellius, discuss the eligibility of a Roman girl for this priesthood in terms that recall the imperial interest in filling the office.⁸⁵

Capito embraced the idea that advancement and social position now depended on a single patron, Augustus. Already at a young age, probably twenty, he was trusted by the emperor to fulfil the role of *exegete* for the Secular Games. From this point on, his career revolved around what Tacitus calls "cozying up to the powerful."⁸⁶ One anecdote shows how this adulation of the monarch could be implicated with intellectual authority. Capito proclaimed that a solecism in a speech by Tiberius, even if not spoken before, would now be considered an archaic word. This drew a notorious response from the grammarian Marcus Pomponius

Porcellus: "Capito lies. Caesar, you can give citizenship to men, but not to words." ⁸⁷

Monarchy was now central to the production of books on religion, whether by freedmen attached to the court or by elites seeking power in the new imperial society. This worked in two ways: Augustus was now effectively the most important reader of civil theology; from the perspective of other contemporaries, the authority of these books was connected with the imperial power.⁸⁸ In a sense, it was this change that gave Verrius Flaccus the authority to write the same sorts of books as writers from more elevated social backgrounds: with only one patron who really mattered, the positions of freedmen and aristocrats were more alike than different.⁸⁹ To measure the development of Roman culture in the Augustan period in terms of change and continuity is a well-trodden path—the opening chapters of Tacitus's *Annals* will forever be the most famous analysis of this type—but the Augustan history of civil theology is best understood in these terms: in many ways, the textualization of Roman religious culture continued on the same terms as the late Republic; on the other hand, the social basis for the discourse was now shaped by autocracy.

Authority and Critique

Although several historians have been tempted by the analogy, Roman imperial society was not a totalitarian state.⁹⁰ Instead, the emperor and his subjects entered into a dialogue about the workings of the new society.⁹¹ As civil theology became intertwined with the legitimacy of the monarchy during Augustus's reign and after, it also became part of the cultural negotiation of autocracy. If they were not simply to follow the path of Ateius Capito, there were two possibilities for the aristocracy in this context: they could appeal to the books to justify their own independent positions or they could entirely reject the authority of civil theology.

We can find evidence for both these receptions of civil theology during the early empire. The principates of Augustus and Tiberius saw the books used to support aristocratic prerogatives and claims to autonomy. As the previous section discussed, the Augustan period saw continued production of new books about Roman religion. The author of a book titled *Commentaries on Pontifical Law*, Antistius Labeo, Ateius Capito's great juristic rival, combined civil jurisprudence with an

intellectual interest in Roman religious culture.⁹² Compared to Capito, however, he had a much more antagonistic relationship with Augustus and seems to have been an avowed critic of the new regime.⁹³ One famous anecdote narrates his disapproval of Augustus's attempt to remove the out-of-favor *pontifex maximus* M. Lepidus from the Senate in 18 BCE; having served office as a praetor, Labeo is supposed to have refused the offer of a consulship from the emperor.⁹⁴ Capito himself wrote in a letter that Labeo was so driven by an "excessive and insane idea of freedom" that he did not accept any action under Augustus's rule as valid unless it was guaranteed by the *Antiquities* (of Varro).⁹⁵ Again, like Capito, Labeo wrote on the selection of Vestal Virgins—an Augustan preoccupation—and we might wonder if he advocated for different standards from the emperor for the priestesses. Tacitus claims that his resistance improved Labeo's standing among his peers and that his lack of a consulship became a badge of honor.

A story from the reign of Tiberius preserved by Tacitus presents the use of civil theology for a less antagonistic assertion of aristocratic rights.⁹⁶ In 22 CE, Servius Cornelius Lentulus Maluginensis, Augustus's *flamen Dialis*, claimed the right as a former consul to hold the highly prestigious governorship of the province of Asia.⁹⁷ His argument rested, in part, on the absence of such a prohibition from the books on rituals (*libri caerimoniarum*), by which he must have meant learned treatises on religious matters.⁹⁸ Tiberius, as *pontifex maximus*, rejected Maluginensis's claim on the basis of Augustan precedent: the first *princeps* had not allowed it, so neither would he. The *flamen Dialis's* appeal to the learned books could not trump Augustan precedent. Maluginensis's attempt indicates the potential authority of the books for the regulation of religion in the early empire; although we lack the same kind of detailed argument, he may well have used the books much as Cicero did in the speech *On His House*. On the other hand, and in contrast to Cicero, his failure to win the argument demonstrates the extent to which this authority depended on the interests of the emperor.

There are signs that production of new learned books on Roman religious culture began to taper off after Tiberius's reign.⁹⁹ As civil theology established its authority for legitimizing imperial action, traditional religion appears to have become less attractive to members of the elite as a subject for books. In the context of this apparent aristocratic withdrawal from writing books of civil theology, the writings of the

Seneca the Younger allow sight of another elite reception of civil theology during the reigns of Claudius and Nero—a more radical rejection.

His *On the Shortness of Life* is addressed to Paulinus, his father-in-law, in order to persuade him of the merits of the contemplative life over the life of the elite rat race.¹⁰⁰ True leisure, writes Seneca, does not mean the replacement of business with other laborious preoccupations, especially empty intellectual endeavor.¹⁰¹ He wittily mimics a recent disquisition given by a pedant that he had heard—a laundry list of dull historical questions: which Roman general did what first and why the Valerian clan had taken the name *Messalla* and why one member of the Claudian clan was nicknamed *Caudex* and so on.¹⁰² At the end of the list of “pointless” topics, Seneca gives particular attention to one part of the speech, focused on civil-theological subject matter: the pedant claimed that Sulla was the last Roman to extend the *pomerium* legitimately (by extending Roman rule over specifically Italian territory) and that the Aventine lay outside the *pomerium* line (because of the association either with Remus or with plebeian secession).¹⁰³

As modern readers of this passage have often noticed, there is a suggestive correspondence between these arguments and Claudius’s extension of the *pomerium* in 49.¹⁰⁴ On the face of it, Seneca’s pedant seems to be denying the legitimacy of the imperial extension: Claudius’s claim to the right depended not on Italian land but on conquest in Britain and included the Aventine, for the first time, within the *pomerium*. Similarly, there is an unmistakably polemical tone to the statement that Sulla was last of the Romans to extend the *pomerium*.¹⁰⁵ Is Seneca implicitly defending the Claudian extension by mocking the pedant?¹⁰⁶ Such a conclusion misses the point: Seneca is not trying to participate in the debate around the extension of the *pomerium*; he is, instead, trying to persuade Paulinus of the futility of such concerns.¹⁰⁷ We need to catch the irony: this passage is a critique of civil theology and, by extension, the Claudian use of these claims to legitimize imperial actions. Indeed, on closer examination, the characterization of the pedant recalls Claudius himself. A speech recorded on a bronze inscription from Lyon and the reports by Suetonius and Tacitus give us a good idea of the emperor’s personal interests and rhetorical habits. Some resonate with the Senecan bore: the interest in the history of the Claudian clan; a concern with precedents for later actions; an excessive interest in gladiatorial games.¹⁰⁸ The innuendo is suggestive: the pedant from the thirteenth

chapter of the *On the Shortness of Life* should be read as a vehicle for a critique of the implication of monarchic action and intellectual concern with the meaning and origins of rituals.

This is not an isolated example: in several places in his prose works, Seneca mocks and directly criticizes civil theology. Certainly, from the perspective of Seneca's Roman aristocratic Stoicism, excessive intellectual concern for technical minutiae is just a distraction from the cultivation of ethical virtue. In the fragments of the *On Superstition* and in some of the *Letters*, we find direct criticism of learned writing on Roman religion.¹⁰⁹ Our knowledge of Seneca's *On Superstition* is almost entirely dependent on a single source, the tenth and eleventh chapters of Book Six of Augustine's *City of God*.¹¹⁰ Augustine writes that Seneca was critical of the civil theology that Varro had tried to recuperate and quotes several sentences from the work. These quotations reveal that the book was a polemic against the customary worship of the gods—particularly Roman customs, but also Jewish religious practices—suggesting that this worship was largely incompatible with philosophical reasoning about the nature of the gods. Seneca mocks people who worship the Capitoline gods in “excessive” ways like tending to the images and dancing in front of the temples.¹¹¹ Notably, one fragment, where Augustine quotes Seneca addressing an opponent, looks like an attack on the Varronian construction of primordial Roman religion:

“Do the dreams of Titus Tatius or Romulus or Tullius Hostilius seem more accurate to you? Tatius made Cloacina a goddess, Romulus did the same for Picus and Tiberinus, Hostilius for Fear (*Pavor*) and Paleness (*Pallor*), most horrible human emotions—the former is the action of a terrified mind, the latter is not even a sickness of the body, but a color: do you think these are notable divinities and put them in heaven?”¹¹²

Clearly these particular deities were difficult to reconcile with Stoic theological and ethical ideals, but even beyond this apparent criticism of Roman deities, Varro is a clear opponent here.¹¹³ A passage from the *Divine Antiquities* about the establishment of these gods by these kings had been used two books earlier in the *City of God* by Augustine.¹¹⁴ This is more than just an attack on these particular gods; Seneca undercuts an important element of the Varronian attempt to reconcile Roman religion with philosophical theology: the idea that the early kings instituted Roman religion according to natural theology.¹¹⁵ In other words, it appears that Seneca was criticizing a central text of civil theology and

its textualization of “original” Roman religion. We should not, of course, imagine that he was advocating an abandonment of Roman religious practice (Augustine tells us that he was not); rather, it appears that he was attacking one particular intellectual justification of that practice. Caution is necessary here. Both the Senecan and Varronian texts are mediated by Augustine, who has an obvious motive for presenting “pagan” dissent. There are, however, signs in the *Letters* of similar, if less explicit, Senecan criticisms of civil theology that we can use as a yardstick for the Augustinian representation of the *On Superstition*.¹¹⁶

The famous tag “what used to be philosophy has now become philology” (*quae philosophia fuit, facta philologia est*)—notoriously reversed by Nietzsche in his inaugural address in Basel—appears in *Letter 108* where Seneca addresses the question of appropriate knowledge for the student of Stoicism. He contrasts a philology that includes concern about archaic Roman religious practices, alongside other interests in the distant Roman past, with ethical knowledge provided by philosophy. He gives some examples of the difference: a philosophical reader of Cicero’s *On the Republic* would be concerned with the discourse on justice, but a philological—we could also say civil-theological—reader might be concerned with the old title of the dictator (*magister populi*), found, he says, in books on augury, or with rules of procedure that were discussed in works on pontifical law.¹¹⁷ A similar concern for knowledge, in this case about the gods themselves, is found in *Letter 90* as part of an argument that philosophy was not the force behind early human ingenuity. In a passage about the true benefits of *Sapientia*, personified Wisdom, he writes that she is the one who teaches humans about the nature of the gods. Pointedly, he describes this as an initiation, not into a local shrine (*municipale sacrum*), but into a huge temple of all the gods, the universe itself.¹¹⁸ It is hard not to see the jibe at Varro, who left at least one fragment that dealt directly with municipal rites (*municipalia sacra*) and claimed that the images in actual Roman temples revealed philosophical truths.¹¹⁹ The contrast between Seneca’s philosophy and the parochial concerns of civil theology is implied but unmistakable. These passages from the *Letters* help flesh out the fragments of the *On Superstition*: Seneca views civil theology as a misguided form of knowledge, inadequate for the needs of the philosopher.

What does all of this Senecan criticism of civil theology add up to? Seneca repeatedly questions the value of civil theology, including when

it is implicated with the legitimization of Claudian monarchy. It is a matter of competing modes of knowledge: Seneca opposes civil theology with the idea that Stoic philosophical knowledge of the gods is the appropriate concern for the wise man. In broader terms, Seneca's claim about the superiority of Stoic knowledge to civil theology belongs to what Habinek and Roller have argued is an attempt to fashion alternative values for the Roman aristocracy under monarchic rule.¹²⁰ Stoicism, they argue, provided a system of values and knowledge that allowed aristocrats to deal with the new distribution of power. In the specific context of civil theology becoming integral to the legitimization of imperial action, Seneca's critique of civil theology as inappropriate for the Stoic aristocrat amounts to an elite rejection of this discourse as contaminated by monarchy.

The cases of Labeo, Lentulus Maluginensis, and Seneca allow us to see how civil theology was received and could be used by the Roman aristocracy in the early empire. Labeo stuck to Varronian authority as a demonstration of his independence; Maluginensis hoped for advancement by appealing to the books; for Seneca, the contrast between bad civil theology and good Stoic knowledge of the gods can be related to his concerns about the Claudian use of civil theology. During the Republic, the books on religion were the product of the ruling elite; with the incorporation of civil theology as a legitimating discourse for monarchy from the time of Augustus, it became a way for the successors of that elite to deal with the new politics.

Imperial Theology

I opened this chapter with Horace's lament on the Roman neglect of the gods; in closing I would like to turn to one of Horace's lyric successors, Statius. Writing at the end of the first century CE, the poet eulogizes his father, also called Papinius Statius and a Greek teacher of the sons of the Roman elite:

*mox et Romuleam stirpem proceresque futuros
instruis inque patrum vestigia ducere perstas.
sub te Dardanius facis explorator opertae,
qui Diomedei celat penetralia furti,
crevit et inde sacrum didicit puer; arma probandis
monstrasti Saliis praesagumque aethera certis*

*auguribus, cui Chalcidicum fas volvere carmen,
cur Phrygii lateat coma flaminis; et tua multum
verbera succincti formidavere Luperi.*

Next you teach the Romulan stock and future leaders
and insist that they follow the steps of their ancestors.
Under your guidance, the Trojan explorer of the hidden flame,
who hides the sanctuary of what Diomedes stole,
grew up and learned the rite as a boy. You showed arms
to the Salian priests who have to be tested, prophetic heaven to certain
augurs, you showed who is allowed to unroll the Sibylline song,
why the hair of the Phrygian *flamen* is covered, and
girt-up Luperi really feared your blows.
(Statius, *Silvae* 5.3.176–184)¹²¹

Statius's allusions are characteristically tough to untangle, but we can identify his father's students—members of the Roman elite, including a *pontifex maximus*, in charge of Vesta's flame and the Palladium, stolen by Diomedes—and syllabus ordered by various priesthoods—the Salians, the augurs, the *quindecimviri* (who controlled the Sibylline Books), the *flamen Dialis* (here "Phrygian" means Trojan) and the Luperi.¹²² In other words, Statius *père* taught precisely the content of civil theology, the details and explanations for traditional religion, to young Roman aristocrats and, possibly, the future emperor and *pontifex maximus* Domitian.¹²³

Statius's allusive poem is the closest we can come to finding out when and where the emperors read the learned books on religion.¹²⁴ Although we lack anything more on their actual reading, the emperors decisively mediated imperial receptions of civil theology. From their perspective, civil theology provided the resources for claims of religious "restoration" and the legitimization of the ritual agency of the emperor. For the early imperial aristocracy, things were different: civil theology could still be used to stake out social position, but only on the terms of the *princeps*. For a freedman like Verrius Flaccus, this may not have been much of a problem: as a true outsider to the elite, his living and status depended on his patronage relationships anyway—civil theology could only help. We may have evidence of the routinization of Verrius's role at court: an epitaph records that a freedman of Marcus Aurelius held the position of secretary for "priestly books," perhaps another indication of the continuing importance of learned knowledge on religion

to the monarchs.¹²⁵ Ateius Capito, Antistius Labeo, and Seneca, who had more conventional positions in the elite based on birth and office holding, used or rejected civil theology as part of their positioning vis-à-vis the emperor.

The apparent absence of new books about Roman religious culture after the early first century does not mean that they were obsolescent. Along with the imperial use of the books, Statius's poem also indicates the success of civil theology in the imperial period as an intellectual paradigm: by the end of the first century, it had become part of the educational curriculum. Seneca's assumption that civil theology was part of "philology" already hints at this development. We also have some later evidence that corroborates Statius's father's syllabus. In the preface to his *Attic Nights*, the Antonine scholar Aulus Gellius explains that he includes pontifical and augural law, alongside grammar, dialectic and geometry, as topics in his book as tasters of the liberal arts and because he feels that a man educated as a citizen (*vir civiliter eruditus*) should be familiar with these subjects.¹²⁶ Much later in the imperial period, a character in Macrobius's *Saturnalia*—written in a Christian Roman Empire during the fifth century CE but set in a pagan milieu in the fourth century—claims to have heard lectures on pontifical law.¹²⁷ As Christopher Jones has recently suggested, this remark probably indicates the inclusion of learned study of religious culture in late antique education.¹²⁸

With Macrobius, we have come to the threshold of the very different intellectual and religious world of late antiquity, which was shaped, above all else, by the growth of Christianity and its concepts of divinity and religion. Discovering the place of civil theology in this changed environment requires that we move across the Mediterranean to the cities and towns of North Africa, heartland of the new Latin Christianity and home to two of civil theology's most influential readers.



Paper Pagans

FACED WITH THE CHALLENGE of discrediting Roman paganism in the second book of his apologetic *To the Nations*—the earliest work of this kind in Latin—the early Christian author Tertullian turned to the *Divine Antiquities* of Varro: “because you pagans hold that written works (*litterae*) have greater authority than actual facts.”¹ Over two hundred years later, Augustine of Hippo also took Varro as the most authoritative proponent of Roman cult in his attack on that cult in books six and seven of his *City of God*: “For who has looked into these matters more deeply than Marcus Varro? Who has made more discoveries? Who has reviewed them more carefully? Who has made sharper distinctions? Who has written more learnedly? Who has written more?”² In order to understand the significance of Varro on the pages of Tertullian and Augustine—as a “paper pagan”—I take a cue from Peter Brown: “the *ars artium* of Late Antique studies consists in avoiding premature judgment as to the ‘unreality’ of the classical tradition as it was used by Late Antique men.”³ In this chapter, we will see how Christian readings of civil theology attest to the continued importance of the late Republican texts for shaping conceptions of “Roman religion,” even in the shadow of profound late antique religious change.

These Christian readings deployed civil theology to make the case for the new religion of the Roman Empire. In the last chapter, we saw how the books of civil theology were read and used in negotiating the political transition from Roman republic to monarchy; in this chapter, I consider how the same books were used in the process of the Christianization of

the Roman world, which included the formation of distinctive Christian identities, the institutionalization of an orthodox Church, and the cooption of the Roman state. There was no single date in late antiquity “when our world became Christian”; rather, over the centuries, Christendom was worked out in homes, in law courts, in imperial palaces, at councils of Christian bishops, occasionally on the battlefield, and, above all, in the minds of late ancient men and women.⁴ In their figuring-out of a new Christian society, civil theology’s embedding of the gods and their worship in Roman identity provided useful material for early Christian authors.

Tertullian’s striking reference to Varro as a *textual* authority for Roman religion and Augustine’s praise of him as a writer introduce a second important element in the early Christian reception of the late Republican works on Roman religion: a marked consciousness of civil theology as books. As we will find, the particularly textual sensibility of early Christianity, a textual community structured around the Bible, encouraged an engagement with the bookishness of civil theology.⁵ In both Tertullian and Augustine, but particularly the latter, we encounter a sensitivity to the medium of the late Republican texts and to their authors as writers. At the same time, the Christian commitment to the textual uniqueness of the Bible as Word of God would ultimately result in an absolute—and highly influential—distinction of Roman civil theology as mere writing—*litterae*—from Scripture.

Of the books produced in the late Republic, Varro’s *Divine Antiquities* and Cicero’s *On the Nature of the Gods* were the most influential learned texts for the Latin Christian apologists.⁶ Engagement with the latter shaped the *Octavius* by Tertullian’s contemporary Minucius Felix, who copied the Ciceronian dialogic form, and was used by the fourth-century authors Firmicus Maternus, in his *On the Error of the Profane Religions*, and Arnobius of Sicca, in his *Against the Nations*.⁷ As we have seen in Chapter 4, Arnobius also used the differences between Roman learned writers on religion as an argument against their cults. Another early fourth-century author, Lactantius, responded in his *Divine Institutions* to both Cicero and Varro’s claims about Roman cult.⁸ Varro’s name even appeared as an authority in a Greek text by Clement of Alexandria.⁹ The late Republican texts did not just provide information for the apologists; their written construction of a “Roman religion” helped define the pagan Other to Christianity.

Rather than attempt a comprehensive account of all these different readings of civil theology, this chapter focuses on the reception of Varro's *Divine Antiquities* by Tertullian and Augustine as examples of the continued significance of civil theology and its reuse between the second and fifth centuries. As we will find, the differing readings of Varro by the two authors gives us an index of both the fate of civil theology in this period and the changing place of Christianity in Roman society. The fact that Varro's *Divine Antiquities* is not transmitted to us in manuscript but indirectly through Tertullian and Augustine complicates the task: we are forced, as it were, to read Varro over the shoulders of the Christian apologists. We must read carefully for the congruities and tensions between the embedded late Republican text and its late antique tradents. At the same time, the importance of the fragments of the *Divine Antiquities* for our understanding of civil theology and for the modern scholarly reconstruction of Roman religion will justify the effort. Taking them in chronological order, I will first look to the reading of Varro in Tertullian's *To the Nations* before turning to Augustine's *City of God*.

Varro as Guide

Writing from Carthage at the end of the second and the start of the third century, Tertullian provides our first full encounter with Latin Christianity. Our best source for his life—Jerome's *On Illustrious Men* (late fourth century)—is demonstrably based on inferences drawn from Tertullian's own writings, leaving us mostly ignorant of his biography.¹⁰ The transmitted writings do give a sense of his education—strong, with an obvious familiarity with the rhetoric and legal knowledge appropriate to an advocate—and of the social place of Christianity in Severan North Africa.¹¹ As far as we can tell, the community of believers in Christ in Carthage in his time was small, heterogeneous, and liable to intermittent but harsh persecution. Tertullian's texts, almost all in a polemic mode, address the problems of being Christian in a pluralist and polytheistic environment. How should Christians dress? Should they go to the games? What constituted idolatry? How should they respond to death sentences? Reading Tertullian allows us access to the formation of a distinctively Christian counterculture in the Roman Empire. This context informs one of his early works, the two-book apology *To the*

Nations from 197 CE, the first text of this genre in Latin.¹² Modern judgments of this work have been harsh, particularly in comparison with the later *Apology*, but the work's open engagement with Varro's *Divine Antiquities* makes it a valuable witness to the continued significance of learned books on Roman cult in the high imperial period.¹³

In the first book of the *To the Nations*, Tertullian sets out to defend Christians in Carthage against official persecution and popular defamation. The work derives from earlier Greek Christian apologies and amounts to a list of refuted accusations: Christians are not responsible for natural disasters, they do not worship an ass or the cross, they do not sacrifice children or commit incest, and so on.¹⁴ The second book has a more protreptic orientation, as the author sets out to demonstrate to his addressees, the "pitiable nations," the falsity of the pagan gods.¹⁵ At the start of the text, Tertullian says that he writes "against the institutions of the ancestors, the authority of received habit, the laws of the rulers, the arguments of the wise; against antiquity, custom, duty; against examples, prodigies, miracles, which all support that adulterous divinity [of the pagans]."¹⁶ The list indicates a conception of Roman society as a set of institutions and ideas that support idolatry; Tertullian, by implication, presents Christianity as an alternative to this traditional culture.

Faced with this task, Tertullian turns to Varro and gives the explanation that I quoted at the beginning of the chapter: "because you pagans hold that written works have greater authority than actual facts, I chose the works of Varro as a shortcut, because he has composed the *Divine Antiquities* from all previous studies and provided a suitable guide (*scopus*) for us."¹⁷ The term he uses—*scopus*—can mean "target," but here the author seems to consider Varro's book as an authoritative guide. Rather than take Varro himself or his work as an opponent, Tertullian uses his categories to structure the second book of the apology: the tripartite theology (2.1–8); then the groupings of certain, uncertain, and select Roman gods (2.9–16). Within this structure, although many of the examples in the text—but far from all—are taken from the *Divine Antiquities*, there is little direct quotation and Varro's own claims are only rarely the object of critique.

Instead, Tertullian uses Varro's name to shape his own argument about the place of Christianity in imperial society. Taking the Varronian idea of tripartite theology, which classifies opinions about the divine as

natural, mythic, and civil, he considers each in turn in the early chapters of the book and rejects them for failing to understand that the true divinity is unchanging, moral, and universal (2.1.14). The philosophers, who support “natural theology,” do not even agree among themselves about the relationship between the gods and the world and all mistake creation for divine creator (2.2–6). As for the poets, their myths about the gods only reveal human moral failings (2.7). Finally, Tertullian turns to civil theology—he calls it “gentile theology,” from the Roman word for peoples, *gentes*—to argue that gods worshipped by only a single community are unworthy of worship (2.8). For the sake of mockery, he gives a Varronian list of local Italian gods: “Delventinus from Casinum, Visidianus from Narnia, Numiternus from Atina, Ancharia from Asculum.”¹⁸ We might recognize the attitude toward “municipal” gods from Seneca’s *Letter 90*.¹⁹

Despite the use of Varro’s learned list and a few other passing references, Tertullian does not engage seriously with Varro’s suggestion in the *Divine Antiquities* that the three ways of thinking about the gods can help articulate a “Roman religion.”²⁰ We will see that Augustine attacked precisely this idea in the *City of God*, but Tertullian does not question it. Instead, he uses the tripartite theology as a way to separate Christianity from other kinds of social identity. By rejecting the natural theology of the philosophers and the gentile theology of the peoples, he refuses to follow earlier Greek apologists, who had adopted precisely these labels to place Christianity in the cultural order: for instance, Christianity was a “barbarian philosophy” to Tatian and a “third race” between Greek and Jew to Aristides.²¹ Varro’s tripartite theology, then, is a vehicle for Tertullian to break from his Greek predecessors and advance an argument that Christianity is *sui generis*.

In the second part of the book, Tertullian approaches the same problem from a different angle. Varro again provides the entry point to a critique: Tertullian has plenty of fun with his division of the Roman gods into “select,” “certain,” and “uncertain” categories: “for if gods are to be selected, as if they were onions, those who are not selected are pronounced worthless.”²² Irreverence aside, Tertullian appeals to Varro’s authority on Roman gods to introduce his polemic against the gods of the rulers. The substance of Tertullian’s criticism is that the Roman deities are either men who have become gods—and so not really divine—or mental projections. The examples appear to be taken from the *Divine*

Antiquities, including characteristic lists of *Sondergötter*, but Varro himself is rarely mentioned.²³ The absence is most marked when the apologist attacks the worship of Larentina, the prostitute who was either a nurse of Romulus or a consort of Hercules (2.10.1–10). Tertullian mentions in vague terms that the story appears in “your authors” (*auctores vestros*). A parallel passage in Augustine’s *City of God* (6.7) reveals that the source must be Varro, but Tertullian has chosen to omit his name.

Instead, the central concern of the final chapters of the book is the assertion of a Christian opposition to Roman rule, which Tertullian blames for the spread of pagan error (2.9.1). At the end of the text, Tertullian concludes that the Roman gods are false and could not have been responsible for the extent of their empire; instead, it is the Christian God who determines its fate (2.17.11–19). On the basis of this section of the text, Wilhite has suggested that the addressees of the *To the Nations* are local African elites, who differentiated themselves from the culture of the imperial center and may even have been hostile to it.²⁴ This reading overlooks the lack of positive indicators of such hostility and the material evidence for the apparent trend in the late second century for local elites in this region to build new temples to the Capitoline triad of Jupiter, Juno, and Minerva.²⁵ At the time of Tertullian’s composition of the *To the Nations*, the local elites of North Africa were consciously embracing Roman cult practices rather than resisting them. Tertullian uses Varro’s book as a guide for polemic against the Roman gods, but the real target is those who claim that the Roman imperial rule depends on the support of those gods. In this context, the reference to “your authors” reads as an ironic comment on the audience’s assumption of Roman culture.

In sum, Tertullian uses Varro in the second book of the *To the Nations* as an authority, not as an opponent. He does not directly undermine Varro’s written “Roman religion” but appropriates the *Divine Antiquities* as a device to structure an argument for the essential difference of Christianity from wider Roman imperial society. In the first part of the book, his case is that Christianity is a different kind of social identity from the philosophical schools or the communities of the empire; in the second, that Christianity stands in opposition to the culture of the Roman rulers. For Tertullian, Varro’s work provides a shortcut for him to construct a North African Christianity that stands apart from existing social forms. At the same time, by figuring Varro’s *Divine Antiqui-*

ties as a “guide,” he also assigns an almost scriptural authority to the written “Roman religion” of late Republican civil theology and makes the Romans into a “textual community”—a community more invested in texts (*litterae*) than things (*res*)—and a shadow of the Christians.

Books and Cities

Two centuries later, writing in the very different context of Theodosian North Africa, Augustine of Hippo dismissed Tertullian’s reading of Varro. At the beginning of book seven of the *City of God*, he brings up the joke about select gods and onions and sets it aside as “perhaps more witty than true.”²⁶ His own polemic against Varro, he promises the reader, is to be of a different kind. Indeed, Augustine’s engagement with Varro’s *Divine Antiquities* in his *opus magnum* represents the most extended and influential response to that work. Unlike Tertullian, he did not consider Varro simply as an authority; instead, he found in him an opponent.

In order to understand how Augustine read Varro’s *Divine Antiquities*, we need to consider two contexts: the historical circumstances of the early fifth century and Augustine’s literary and theological project in his “big book.” Augustine wrote the early books of his *City of God* during the second decade of the fifth century, in the wake of the sack of Rome by Alaric’s Visigoths in 410 CE.²⁷ The sack itself—the result of the Western imperial court’s failure to pay off Alaric’s army—indicates some of the difference between the age of Tertullian and Augustine; other violent episodes in the 390s and after the turn of the fifth century, provoked by imperial laws that closed temples and licensed destruction of cult images, reveal other significant developments.²⁸ On the one hand, financial and military pressures in the third and fourth centuries had transformed Roman government and, on the other, the establishment of Christianity by Constantine and his successors had quickened the pace of religious change throughout the Roman world. We should not overestimate the extent of these changes, nor imagine that either process happened rapidly or evenly: in the early fifth century, the Western Roman Empire was not a failed state—especially in North Africa—and orthodox Christianity still faced a population that could be either hesitant or hostile.²⁹ Indeed, the ostensible genesis of the *City of God*, Augustine writes in his *Reconsiderations*, was the need for a response to pagans

who blamed Christianity for Alaric's sack of the old imperial city.³⁰ The elite Romans who arrived as refugees in Africa in 410 would have been a visible, and possibly vocal, monument to the calamity for Augustine and his fellow provincials. The failure of the Christian empire to defend the city of Rome had presented an opportunity to critics of the supposed happiness of the new Christian age (*tempora Christiana*).³¹

Augustine's reply to such critics only really extends to the first three books of the *City of God*. Instead, even the elaborate first sentence of his book announces a much more ambitious program:

I have undertaken in this work, planned and owed to you by my promise, my beloved son Marcellinus, to defend the most glorious city of God, whether in this course of time, while it wanders (*peregrinatur*) among the impious and lives on faith, or in the stability of the eternal seat, which it now awaits in patience "until justice is turned into judgment" (Ps. 93.15) and which it will obtain through excellence, when final victory and peace is complete, against those who prefer their own gods to its founder—a great and difficult task, but God is my helper.³²

Augustine promises a defense of the city of God and an explanation of its historical and eschatological fate. Indeed, of the twenty-two books of the work, the first ten are devoted to a polemic against traditional cult and its advocates and the last twelve treat the intertwined stories of the heavenly city and the earthly city—not named in the first sentence, but central to the project from the start—from Creation to the End of History.

Rather than simply respond to pagan disparagement, the book offers a huge, digressive meditation on history, salvation, and the relationship between human institutions—Rome, Babylon, Israel, the Church—and God. Augustine's famous claim made at the end of the first book that the two cities are intermixed and indistinguishable in this age—his term is *saeculum*—challenges both those, like Eusebius and his followers, who would identify the empire as a vehicle for God's providence and those, like his great foes the Donatists, who would insist that the Church can be pure even before the final judgment.³³ Simply put—with a *caveat* that the huge scale of the argument in the *City of God* defies any neat summary—the perfect and peregrine city of God is not to be identified with any human institution, all of which are compromised by the Fall. Instead, the only reliable guide to the history and future of this heavenly city is God-given Scripture, which mediates human and di-

vine. Within this huge intellectual project, Varro's texts pervade the *City of God*, especially in the first decade—where his *Divine Antiquities* define traditional worship—but also throughout the whole work (e.g., *De Civ. D.* 18, 19.1–3, 22.11, 22.28).³⁴

Varro appears in books three to five alongside other classical authorities—above all Sallust, Livy, Cicero, and Virgil—as Augustine dismantles two propositions: first, that the Christians were to blame for the Gothic sack and, second, that the pagan gods rather than the Christian God were the cause of Roman imperial success. In these books, Varro appears intermittently as an expert on the civic cult. For example, the inclusion of theatrical spectacles in his *Divine Antiquities* supports Augustine's contention that the immorality of the gods in dramatic myths reflects the wider immorality of pagan worship.³⁵ The reading of Varro in the first pentad is sometimes simply tendentious. For instance, when discussing the possibility that Aeneas, Romulus, and Caesar could claim divine descent, Augustine writes that Varro himself “almost (*paene*), though not daringly or with certainty, says these claims are false,” though he credited their utility for the civic community.³⁶ The Christian author quickly elides Varro's apparent nuance in order to generalize the noble lies about divine parentage into the claim that “many rites and ostensibly religious things could have been made up.” Similarly, Augustine uses a passage from the *Divine Antiquities* on the importance of knowing the appropriate god for worship as an excuse to lambast the Romans for failing to understand that the Christian God was the only deity deserving of worship.³⁷

Augustine does not simply extend the early Christian apologetic use of Varro as an appropriate authority; he also provides a brief critique of Varro's intellectual project of writing down a traditional “Roman religion.” In a chapter at the end of book four, Augustine decries Varro's methodological principles.³⁸ He says that Varro had admitted in the *Divine Antiquities* that if he were to found a new city, he would establish the gods according to the natural rule (*formula naturae*), but that since he lived in an old city, he should stick to writing down traditional cult. Similarly, Augustine catches Varro writing that it would have been better for the Romans to have continued worshipping the gods without images, as apparently they did for 170 years. For Augustine, these admissions in his text indicate that that God forced the late Republican author to reveal the ridiculous nature of the Roman gods. On the whole,

however, Augustine's direct critique of Varro's *Divine Antiquities* in the first five books is subordinated to his wider argument about the relationship between the Roman state and the divine in adversity and success. In this first part of the *City of God*, Varro stands amid a crowd of classical Latin authors as representatives of Rome.³⁹

Books six and seven offer something different: these other pagan authors mostly fade away and the focus of the argument shifts from the fate of Rome to Varro's writings on the pagan gods. Augustine's own claim, at the start of book six, that he took Varro as a representative of those who claimed the pagan gods could confer benefits after death, does not really cohere with either the actual content of Varro's work or Augustine's own commentary on it.⁴⁰ In a letter to contemporary readers of the *City of God*, Augustine effectively admits that these two books differ from the next three—the refutation of the philosophers.⁴¹ Instead, he uses these books to mount a direct critique of Varro's written "Roman religion," particularly his defense of the Roman civic gods. Here we read a full Christian response to the project of late Republican civil theology: the writing of a "Roman religion." Like Tertullian, Augustine concedes that Varro was the most learned man in "every field of knowledge that we call secular, and they [i.e., the pagans] call liberal" and "of very weighty authority"; unlike his predecessor, he confronted the *Divine Antiquities* on Varro's own terms.⁴² Augustine makes two main arguments against Varro: first, that his civil theology is fatally flawed; second, that his account of the Roman gods reveals that they are immoral.

Augustine's first criticism, which takes up the bulk of both books, is aimed at Varro's writing down a civil "Roman religion" on the terms of both philosophy and myth. He first summarizes Varro's separate characterization of the three theologies—the natural theology of the philosophers; the mythical theology of the poets; the civil theology of the city—and emphasizes Varro's apparent preference for philosophical theology (6.5). Tertullian, as we have seen, brushed over Varro's attempt to reconcile these theologies in the so-called tripartite theology; Augustine, on the other hand, uses Varro's coordination of them against him. Indeed, Varro claimed that civil theology drew on both philosophical and mythical theologies (6.6). For Augustine, Varro's procedure reveals both the contradictions between natural theology on one hand and the civic and mythic inventions about the gods on the other—why else ex-

press a preference for natural theology?—and the indissoluble link between the scandal of myth, which displayed the immoral behavior of the gods, and the civic worship of the gods.

Augustine's claim that mythology taints civil theology is a recurrent theme in the following chapters. He comments on the similarity of mythical depictions of the gods with their representation in the city—in the temples and in poetry, Jupiter is bearded, Mercury is unbearded, Priapus displays his phallus (6.7). Similarly, Augustine points out that the aetiologies for civic worship participate in mythological carnality: he decries the presence on the Capitoline of Amalthea, the caprine nurse of Jupiter, and the worship of Larentina, justified by her services as a prostitute to Hercules. He also returns to the inclusion of spectacle, particularly the theatrical performance of myth, in the *Divine Antiquities* to prove that civil worship is stained with the immorality of myth (6.7; 6.8). Epitomizing his own argument, he writes that “the mythical and the civil theologies are both mythical and both civil: whoever looks carefully at the vanities and obscenities of both will find both mythical; whoever realizes that theatrical shows related to myth are part of the festivals of civic gods and are included in the cult of the cities will find both civic.”⁴³

After a brief digression at the end of book six on how Seneca's *On Superstition* proves that even some pagan philosophers did not accept civil theology, Augustine continues his main argument in book seven. Here he turns to Varro's “select gods,” the twenty deities that Varro assimilates to the World Soul (*anima Mundi*). Again, Varro's harmonization of the three theologies is used against him. Augustine claims that Varro's naturalistic interpretation of the select gods is compromised by the Republican author's commitment to identification of parts of nature with the immoral gods actually worshipped in the city.⁴⁴ The select gods are chosen, he notes, because of their popularity; with this popularity comes the stigma of myth.⁴⁵ For example, Augustine mocks the inclusion of Neptune in the select gods by referring to his mythological wives, Salacia—the deep sea—and Venilia—the shallow waters (7.22): how, he asks, can this bigamy reflect the World Soul? Similarly, he argues that the obscenity of civic rituals—including phallic rituals performed for Liber at Italian crossroads and in Lavinium—reveals the nonsense of Varro's philosophical interpretation of the Roman gods. Through both

books, Augustine's reading of the *Divine Antiquities* focuses on what he sees as the key methodological weakness in Varro's civil theology: the attempt to reconcile the three theologies.

In book six, Augustine also returned to another methodological criticism, which he had already made in book four: Varro mistakenly reversed the precedence of God over humanity. He reports that Varro justified his placement of the *Human Antiquities* before the *Divine Antiquities* by analogy: "just as a painter is prior to the painting and a builder to a building, so civic communities (*civitates*) are prior to the institutions which they establish."⁴⁶ He admits that if he was writing on the "nature of the gods" he would place them first but that his work was to deal with the civil religion of Rome. For Augustine the priority given to human society amounted to a denigration of God as creator: "true religion was not established by an earthly community (*terrena civitas*); rather, it established the heavenly city (*civitas caelestis*). The true God, giver of eternal life, instills that true religion in his true worshippers and teaches it to them."⁴⁷ Varro's disregard for this truth amounts, in Augustine's eyes, to a fatal flaw in his work. When he writes against civil theology and the decision to focus on the particularly Roman and traditional cults, the Christian author's methodological criticisms strike at the heart of the intellectual project of civil theology—the writing down of a "Roman religion." In his late Republican context, as we have seen, Varro's justifications reflect that project; for Augustine, Varro's error went to the heart of his own concerns—the priority of divine society over human.⁴⁸

Augustine's second main line of attack on Varro's work is that the *Divine Antiquities'* treatment of individual deities and groups of gods reveals the immorality that hangs over all of them. In part, this immorality argument hangs on Varro's combination of myth with civil and natural theologies. Beyond this, the bishop seems to focus particularly on the sections of the *Divine Antiquities* that expose some scandal—at least in Christian eyes—about the gods and their worship. For example, in one notable section, Augustine follows Varro through a list of gods appropriate to marriage, including the gods appropriate to sexual intercourse—Virginiensis, Subigus, Prema, Pertunda, Venus, and Priapus—as a demonstration of the carnality of the gods.⁴⁹ In a comment that neatly demonstrates the late antique transformation of sexual mo-

rality, Augustine wonders how either groom or bride could perform in the presence of so many gods.⁵⁰ Augustine even uses Varro's silences as part of his argument: the absence of Attis from the *Divine Antiquities* testifies to the vice associated with that deity—"interpretation fails, reason blushes, speech is silent."⁵¹ Roman worship, in Augustine's eyes, matches the immorality of the gods: for him, Varro's descriptions of ritual performances—the dedication by a matron of a phallus to Liber, the rituals of the castrati Galli and, above all, stage shows—unveil the demonic carnality of Roman cult.⁵² In a flight of rhetorical imagination, he even contemplates, for a moment, the worship of the one true God "by means of the stupidity or foolishness of images, by human sacrifices, by coronation of male genitals, by prostitution, by the severing of limbs, by castration, by the consecration of effeminates, by the celebration of obscene and impure festivals," in order to reject even that as sin.⁵³ As it is, he argues, the pagans commit a double sin, worshipping false gods in such degraded fashion.⁵⁴

Through most of books six and seven, then, Augustine tessellates these two kinds of error—methodological and moral—in order to damn Varro's work. He makes these arguments on Varro's territory, by concentrating on the text of the *Divine Antiquities* to turn the details of the book's written religion against the Roman gods. In the closing chapters of book seven, however, Augustine moves on from this kind of argumentation and, in a final *coup de théâtre*, returns to the tenets of his own faith. Like other Christian critics of paganism, Augustine holds the *a priori* position that there is a good creator God and that the pagan gods are either dead mortals or demonic illusions designed to deceive humans.⁵⁵ Varro, he admits, tried hard to make a case for the pagan gods on the terms of nature, but he was doomed to failure—before the incarnation, only the Jewish people, through the Hebrew Scriptures, knew the truth about the world and worshipped correctly the one God; after the incarnation, this knowledge is available to all through Christ as the Word of God.⁵⁶ Without this divine help, Varro and other pagans were condemned to be deceived by earthly demons.⁵⁷ This final part of the argument is capped by the books of Numa passage at the end of book seven.⁵⁸ As I related in the introduction, Augustine used Varro's story of the burning of the king's books by the Senate to argue that they must have revealed the demonic truth about these so-called gods.

Scripture, the only access to the truth, trumps both the burnt books of Numa and the extant books of Varro. With this final exposé, Augustine's destruction of Varro's written Roman religion is complete: there can be no rationalization of the traditional cult.

Why does a refutation of Varro take up so much of Augustine's big book? Scholarly explanations generally have assumed that Varro's prominence can be explained by his importance to contemporary antiquarian-minded pagans.⁵⁹ Recently, Alan Cameron has questioned Varro's relevance to fifth-century paganism and has suggested instead that Augustine attacks him as a proxy for the high literary culture shared by both pagans and Christians.⁶⁰ The use of Varro in the *City of God*, however, should not be understood solely in terms of the importance of Varro for others; rather, I suggest, the importance of the *Divine Antiquities* can be explained in terms of Augustine's own need for an interlocutor.⁶¹ He loved rhetorical combat and was a natural controversialist.⁶² In an early work, the *Soliloquies*, written shortly after his conversion, he staged a debate with his own mind (*Ratio*) about the possibility of knowledge of God.⁶³ As a bishop, he took part in several live debates with heretical and schismatic opponents in North Africa.⁶⁴ At times he even contrived opponents: a live debate held in 418 with Emeritus, the schismatic Donatist bishop of Mauretanian Caesarea, could have faltered when the opponent said, "do as you wish" (*fac*) and then kept silent.⁶⁵ Augustine just imagined Emeritus's answers or quoted his words from previous councils to keep the debate going. He could do similar things in writing: in the *Against Faustus the Manichaean*, written between 408 and 410, he manufactured a debate with Faustus by quoting selections from Faustus's *Chapters* with his own reply to each passage following directly.

Augustine treats Varro in a similar way in the *City of God*, balancing Varro's words and his paraphrase of Varro's arguments with his own explanations of their error. At times, the effect is dialogic. As an example, we can follow Augustine reading Varro on the god Janus:

Varro takes his beginning from Janus. I ask, "Who is Janus?" I get the reply, "He is the world." Clearly, this is a short and open answer. Then why are we told that the beginnings of things relate to him but that the ends of things relate to another, Terminus? . . . We may now examine the interpretation of the two-faced image. They say he has two faces, one in front and one behind, because the aperture when we open our

mouth seems similar to the world. So the Greeks call the palate *ouranos* and, he [Varro] says, some Latin poets call the sky “a palate,” since from the aperture of the mouth there is an entry both forward to the teeth and backward to the throat. See where our world has been dragged, because of the word for the palate, both in Greek and poetry! What has this to do with the soul, with eternal life?⁶⁶

Augustine uses this technique with other authors and books in the *City of God*, but in the case of Varro he also uses another technique, the rhetorical device of apostrophe—direct address—to create the impression of a forensic speech, delivered in the presence of the Roman author.⁶⁷ For example, he writes “O Marcus Varro, even though you are the most intelligent man of all and without doubt the most learned, you are a man and not a god” and “but, why, most intelligent man, when you are wrapped up in mysteries of learning do you lose that wisdom?”⁶⁸ Like his live Manichaean and Donatist counterparts, Varro was written up as Augustine’s opponent, particularly in the sixth and seventh books of the *City of God*.

Augustine’s Varro played this role particularly well. As I mentioned at the start of this chapter, Augustine introduces him at the start of book six as the preeminent Roman writer on the worship of the gods. He follows this praise with a quotation of Cicero’s encomium from the *Academic Books*: “We were wandering (*peregrinantes*) and roaming in our own city like outsiders, it was as if your books led us home so that we could finally know who and where we were.”⁶⁹ The use of this quotation suggests that Augustine read the *Divine Antiquities* as an uncanny double for his own book. The different configuration of *peregrinatio* and *civitas* positioned Varro as a kind of anti-Augustine. If Varro solved, as Cicero claimed, the problem of the Romans’ own *peregrinatio* with his books, his project was a mirror for the Christian bishop’s story of the wandering city of God.⁷⁰ Some of the sections of Varro’s *Antiquities* that Augustine emphasizes are suggestively close to his own project. For example, he tells us that Varro’s account of the Roman minor gods was arranged according to the lifecycle of a Roman male from conception to death.⁷¹ This corresponds to the organization of the second half of Augustine’s work, books eleven to twenty-two, organized by the lifecycle of humanity, from creation to damnation and salvation. In this, Varro’s work fits with a wider pattern in the *City of God* where Rome offers a counterpoint to the heavenly city: Romulus’s Asylum prefigures the asylum

from sin in God's city; the Roman attachment to their fatherland—*patria*—models Christian devotion to their own perfect *patria*; book eighteen is structured entirely around the paired history of the city of man—especially in the guise of Rome—and the city of God.⁷²

This doubling was not just thematic, it was also textual. As Mark Vessey has argued, Augustine is also highly aware of the textuality of Varro's work: "almost from the start, and uniquely among the Latin authors cited by Augustine in the *City of God*, Varro cuts a figure as a *writer* in the most literal sense, one who sets things down in a written form that will stand the test of time (Vessey's italics)."⁷³ One of Augustine's preoccupations in writing the *City of God* was the material form of the text and the structure of the work in terms of books and groupings of books.⁷⁴ His concern is particularly prominent in the prefaces to several of the books, in several letters written regarding the text and in his treatment of the book in the *Reconsiderations*.⁷⁵ In this light, the extended description of the *Divine Antiquities*' books, their contents and the groupings of books (6.3)—a gift to later students of Varro—may have been intended as a hint to compare the construction of the two works. Augustine also admiringly writes that "[Varro] read so much that it is a wonder he found time to read and he wrote so much that we can hardly believe that anyone can read it all."⁷⁶ Late antique readers of the *City of God* noticed Augustine's equivalence between the works as material texts: in the fifth century Sidonius Apollinaris complains that the texts of Augustine and Varro, "men of similar learning," are not placed together in a library of a friend.⁷⁷ In the seventh century, Isidore of Seville pairs Varro and Augustine as the most prolific writers in Latin literature and transfers Augustine's compliment to Varro to Augustine himself: "for he wrote so much that not only could no one write them in all the days and nights, no one could even read them."⁷⁸

Augustine, then, uses Varro's *Divine Antiquities* as a foil for the *City of God*. Varro's big book not only represents the Roman paganism that he sets out to refute—it is important to note that Augustine did not give an inch on the merits of the Roman gods—but also a mirror for his own work. The bookishness of Varro's Roman civil theology matched the bookishness of Augustine's own civil theology for the "most glorious city of God." Tertullian, inscribing a countercultural Christianity in his *To the Nations*, had accepted Varro's work as a settled authority in the second century; in the fifth, Augustine set out to displace Varro's *Divine Antiq-*

unities as the ideal articulation of the relationship between the human community and the divine.

Scripture and Literature

As prominent as Varro's *Divine Antiquities* is in the *City of God*, it is far less significant to Augustine's thinking than another book, the Bible. Augustine makes the ontological difference clear at the start of book eleven, the beginning of the second half of the text:

We write of the city of God, of which Scripture is the witness, which stands over all the literature of all peoples (*omnes omnium gentium litteras*), not by the chance movements of human minds, but clearly by the intention of highest providence, and subjects all forms of human ingenuity to itself, as it excels in divine authority.⁷⁹

As Mark Vessey has brilliantly demonstrated, this passage represents a cardinal moment in Augustine's thought, even in the cultural history of Christendom, where Scripture is differentiated absolutely from human literature.⁸⁰ For the reader of the *City of God*, who has made it through the first ten books, the most obvious representative of "all the literature of all peoples" is Varro's *Divine Antiquities*, that supreme example of civil theology.

This distinction had already been foreshadowed in the final step of his argument against Varro in the closing chapters of book seven of the *City of God*, where Augustine effectively contrasts two peoples—Jews and Romans—and three books—the Bible; the books of Numa; and Varro's *Divine Antiquities* (7.32–35). He makes clear that Scripture allowed access to divine truth before the incarnation to the Jewish people alone.⁸¹ As we saw in the introduction to this book, he argues that no such access was available to the Romans, who only had the quasi-scriptural books of Numa—which contained the demonic truth about the Roman gods—and Varro's literary books—which only provides false philosophical explanations of the gods. Augustine's comparison between true Scripture, the demonic scripture of Numa and Varro's book contains a gradation between sacred text and mere literature.

This Augustinian distinction between Scripture and literature brings us back to the question that I raised in the introduction, how can we understand a religion that has texts but no Scripture? Scholars have gen-

erally followed Augustine in finding an unbridgeable caesura between the Christian Bible—Scripture—and its pagan religious counterpart—not Scripture.⁸² But if we accept that such a distinction is generated in late antiquity as part of Augustine's thought, can we perhaps be freed to move beyond it? It is to this possibility that I now turn in the conclusion.

Conclusion

Beyond Scripture and Literature

FOR CENTURIES, between the Punic War and late antiquity, Roman religious culture was pluralistic and diverse. In varied ways and for different reasons, individuals and groups worshipped and interacted with countless deities. Although Roman civic worship of the gods was an element of this culture, we should not, from our perspective at least, reduce “Roman religion” to a political cult. Against this background, however, elite Romans of the late Republic, as part of the culture of aristocratic display, started to make their own religious culture legible. Influenced by Greek thought, Roman jurisprudence, and Alexandrian textual scholarship, this became a major project of textualization—the articulation of a traditional and particularly Roman “religion” in learned treatises. The books identified a set of cults and institutions as archaic and particular to Rome and its people. Particular emphasis, it appears, was placed on the elite priestly colleges—the *pontifices*, the augurs, the fetials—and on old texts—the pontifical chronicle, the Salian Hymn. This religion of the books did not embrace the total diversity of actual Roman interactions with the divine; it was selective and tilted, inevitably, toward the class interests of the elite.

From the beginning, responses to the books entailed the assertion or the disputation of their authority. Books on augury encouraged Sempronius Gracchus to invalidate the consulships of Scipio Nasica and Marcius Figulus; Cicero argued for their validity in front of the pontifical college as part of his case against Clodius’s dedication of his house

as a temple; Catullus mocked their treatment of traditional ritual in a satirical poem. The establishment of the Augustan monarchy was a turning point for civil theology. The Roman religion of the books became the “restored” Roman religion of Augustus: the court and those close to the court—like Horace, Ateius Capito, and Verrius Flaccus—discovered a potential source of legitimacy for the new regime in the learned texts. Conversely, imperial power bestowed authority on the books. As a consequence, in the centuries after Augustus, we find that the books continued to inform imperial action, and civil theology appeared in the Roman educational curriculum. Not everybody went along with this: members of the aristocracy like Seneca, faced with the personal power of the emperor, derided the books and their parochial interests; though we might wonder if this derision only reveals their significance. Finally, from the end of the second century, Latin-speaking Christians used the learned books on Roman religion as a textual authority on the “paganism” that they rejected. The biblical textuality of early Christianity itself may have encouraged this reception; it also led to the categorization of civil theology as mere text—*litterae*—by Augustine’s pen.

Despite the cultural influence of the books and their textualization of Roman religion, we only have an impoverished vocabulary to conceptualize civil theology as a phenomenon. What was civil theology? Can we fairly call Roman religion “a religion of the book?” To approach, finally, these questions directly, I suggest that we situate Roman civil theology against the two dominant scholarly approaches to books and religion, Scripture and “religion and literature.” As we will see, it is no coincidence that these map onto the two sides of the Augustinian distinction.

The importance of Scripture to the modern study of religion is one of the most visible features of the field. This centrality dates from the formation of the academic field in the nineteenth century. F. Max Müller—routinely described as the founder of the study of comparative religion and the editor of *The Sacred Books of the East*—made sacred texts a fundamental marker of distinction between what he called “the aristocracy of real book religions” and “the vulgar and nondescript crowd of bookless or illiterate religions.”¹ For Müller, there was no doubt which class embraced Roman religion: “Neither Greeks, nor Romans, nor Germans, nor Celts, nor Slavs have left us anything that deserves the name

of Sacred Books . . . the sacred literature of the early inhabitants of Italy seems to have been of a liturgical rather than of a purely religious kind."² As scholars have recently demonstrated, Müller was a leading participant in the Victorian construction of a class of scriptural "World Religions"; despite the enormous cultural prestige of the Classical in this period, the polytheistic religions of Greco-Roman antiquity, which lacked sacred texts, did not make it.³

Since the 1980s, under the influence of Wilfred Cantwell Smith, American scholars in the field of religious studies have been rethinking Scripture.⁴ Thanks to Smith, it is now a commonplace to trace the genealogy of the concept to Jewish and Christian ideas of Scripture and the related Qur'anic idea of the people of the book—*ahl al-kitab*.⁵ Instead, this new work emphasizes the diverse ways that communities render certain books sacred and authoritative and the cultural consequences of these holy books.⁶ Although not directly influenced by Smith or his followers, scholars writing in German have also recently taken this social approach to understanding "Heilige Schriften."⁷ Nevertheless, American and German scholars working in this vein have preferred to hold on to Scripture as a master concept for working out the meanings and history of sacred books in a large number of cultures.⁸

The influence of this scriptural focus is visible in contemporary study of the place of books in ancient religion. Jan Assmann's much-discussed work on monotheism—particularly in Egyptian and Israelite societies—correlates the absence or presence of Scripture with a distinction between polytheistic "primary" religions and monotheistic "secondary" religions.⁹ The importance of Scripture as a paradigm is also apparent in Roland Baumgarten's study of a wide variety of holy texts and books in Greek religious culture, which concludes, somewhat teleologically, that "Greek religion never completed the path to being a religion of the Book."¹⁰ Moving closer to Rome, Guy Stroumsa has appealed to Müller's "religions of the book" in his work on religious change in late antiquity. Stroumsa links the rise of Scripture with the end of sacrifice as major shifts in the religious history of the Roman imperial period, using a dichotomy between religions of cult and religions of books.¹¹

Civil theology was not Scripture. As Catherine Bell puts it, Scripture is "text and then some," a phenomenologically distinct kind of sacred text; civil theology never quite became anything other than text.¹² The two vital communal processes of sanctification and canonization—the

making of Scripture—never took place in Rome. On a theoretical level, the sanctification of Scripture frequently involves explicit claims to ontological difference from mundane communication. As we have seen, the Bible mediated the divine and the human for Augustine; the significance of the Qur'an—the recitation of God's own speech—is even more profound in the Islamic tradition.¹³ In pragmatic terms and in cases where these assertions of ontological difference are left implicit, the sanctification of text as Scripture involves both ritual performance and special treatment of the text as a material object.¹⁴ It is notable that Augustine understood the books of Numa as sacred in this way—Numa did not dare destroy them; the Senate's burning of them was a sacrifice—but correctly perceives that Varro's learned books on Roman religion were never subject to this form of ritual sacralization.¹⁵

Alongside these markers of sacredness, canonization of Scripture enables practices of religious reading and interpretation.¹⁶ Biblical commentary or *midrash*, for example, make use of a canon; bibliomancy—the use of Scripture for divination—also depends on an articulation of a closed canon. We look in vain for the development of an accepted written canon for Roman religion. Although Varro's *Divine Antiquities* held particular prestige—we might fairly call it a classic—neither that book nor any other formed part of a closed canon that could become subject to ritual or intense interpretation. Civil theology was not differentiated as Holy Writ, as a particularly sacred literature.

On the other hand, civil theology does not necessarily simply fall into the category of Scripture's excluded other—"nonscripture," human literature—which has been at the center of the other main scholarly approach to texts and religion. The proper relationship between the literary and the religious was already a preoccupation for Augustine: in a key passage in the *Confessions*, he distinguishes between his testimony in text for other humans and in his heart for God.¹⁷ Later Western literature is marked by a similar dilemma around the value of literary texts for religious piety. For example, John Bunyan's "Author's Apology" at the start of *The Pilgrim's Progress* (1678) rehearses the difficulties of writing a piece of imaginative literature as an act of piety: "May I not write in such a style as this?/ In such a method, too, and yet not miss/ My end—thy good? Why may it not be done?"¹⁸ Influenced by this distinction between the divine and the textual, scholarship on this topic

has coalesced around three themes: historicist study of literature as a location for social reflection on religion; theological hermeneutics of literary texts; and literary readings of Scripture, particularly the poetics of the Christian Bible.¹⁹ In practice, all three approaches use a conception of “literature” that is recognizably Romantic in origin—creative writing, marked by aesthetic rather than practical quality.²⁰

For the purpose of understanding civil theology, the first approach is most useful; critics of historicist bent have shown how literary texts both reflect wider social currents of religious thought and attitudes and shape them.²¹ For example, Mark Knight and Emma Mason have traced the impact of varieties of Christianity—Dissent, Tractarianism, Evangelicalism—and emerging secularism across nineteenth-century English literature.²² This kind of study takes theology—“god talk”—in a broad sense, with a firm eye on literary texts as generative sites for religious dissent as well as for the replication of dominant religious ideas. Much closer to the topic of this book, Denis Feeney performs this kind of analysis for classical Latin literature in his book *Literature and Religion at Rome*, although he is also careful to raise the problem of what counts as “literature” in Rome.²³ He examines how ritual practices and ideas about the gods are represented in Latin literary texts—mostly poetry—and how these representations are embedded in wider patterns of signification around the Roman gods and their worship. Is Roman civil theology best understood in this way—as literature?

As the name implies, civil theology was discursive—it constituted a body of texts that describe religious practices and ideas, reconstruct origins, and imagine alternatives. It even, as we have seen, provoked poetic responses from Catullus and Horace and shaped ideas about Roman cult that appear throughout Latin literature. The conception of “Roman religion” written into Livy’s huge history of Rome, for example, is recognizably the Roman religion of civil theology.²⁴ In addition, some of the texts that I have included in civil theology are found under the uncomfortable label of “Latin literature.”²⁵ In particular, we can recognize the literary qualities of the dialogues by Cicero—the *On the Nature of the Gods*, *On Divination*, and *On the Laws*—in which he writes up a distinctively Roman religious culture in the framework of Greek-style philosophical dialogues. It is harder to find the literary elements in more fragmentary texts, though we should not discount their presence. For

example, Varro's apparent invocation of the goddess Vacuna at the outset of the *Divine Antiquities* may recall a deep tradition of poetic requests for feminine divine inspiration.²⁶

Civil theology did not, however, stand at a remove. Like Scripture and unlike literature in the Romantic sense, this written discourse played a pivotal social role in the making of "a religion" and, as we have seen over the last two chapters, it could be authoritative on Roman cult. Scholars of Scripture have recently written of sacred texts as vectors—carriers—of norms, traditions, and religious meanings.²⁷ The writing down of Roman religion in the books and the eventual normativity of this written version of the religion indicates that civil theology played this "vectoring" role in Roman culture. Being able to turn to texts allowed individual Romans to make claims about the antiquity and authenticity of a certain set of gods and practices or worship—as Cicero put it, the books brought the Romans home. This habit is apparent in the Virgilian commentary tradition and Macrobius's *Saturnalia*, for example, where Varro's name authenticates religious details in Virgil's classical poetry. Civil theology even performed this function for early Christian Latin authors, who found that the books conveyed a textual paganism that they could oppose.

I believe that the specific historical case of civil theology presented in this book makes an argument for questioning the use of these two dominant categories—Scripture and literature—for understanding texts in relation to religion. The Roman books and their textualization of cult can encourage us to move beyond them toward a sense of other configurations of the place of text in religion. Roman civil theology in its distinct contexts—late republican, imperial, and late antique—formed a concept of a particular "Roman religion," became an authoritative site for early imperial religious knowledge, and became a literature of the pagan other for early Christians. In other words, we can best understand civil theology as a textual discourse on Roman cult if we disaggregate some of the features, functions, and significance for religious culture of both Scripture and literature. I have presented here a group of texts that never became the subject of devotion or canonization, yet nevertheless played and continue to play a vital role in defining what counted as "Roman religion." In this specific way, Roman religion really was a religion of the book—not Scriptural or merely literate—but as an object of writing and reading. By turning away from Scripture and literature,

we are freed to appreciate the particular constellation of writing, authority, and religion in Roman culture in the centuries between Servius Fabius Pictor and Augustine.

My argument for moving beyond Scripture and literature does not rest on a single, Roman historical example. In Chapter Four, a disciplined and limited comparison of Roman books with the Mishnah, which only later was assimilated to Torah and elevated to the status of Scripture, allowed us to explore the textualization of particular religious systems in more general terms. Both civil theology and the Mishnah exemplify the selective textual edition of old and complex religious traditions on the terms of a particular group within Roman or Jewish society. The inclusion of the Mishnah in my study is intended to demonstrate that setting aside Scripture and “literature” as master categories need not require the abandonment of comparative perspectives. On the contrary, I am convinced that looking in other cultures and historical situations for religious texts or sets of texts that match neither the Biblical-Qur’anic ideal of Scripture nor the Romantic concept of literature can only reveal the manifold constellations of text and religion in human society.

Like the Roman people, we too are subject to the Senate’s act of censorship: we can never read the books of Numa. It is tempting to accept this illegibility and leave Rome in Max Müller’s “crowd of bookless or illiterate religions.” The bonfire in the Forum, however, was not an end to the story of books in Roman religion. Indeed, the present absence of Numa’s books in the writings of Varro and, subsequently, in Augustine’s *City of God* has led us toward the “Roman religion” of civil theology. The intellectual books written on religion in the late Republic are not now an easy read—they are dismembered and we are dependent on the varied interests of their tradents—but they offered readers in the Roman world, and still offer us, a legible Roman religion.

Notes

Abbreviations

Classical Authors according to *Oxford Classical Dictionary* (3rd ed.).

AE	<i>L'Année épigraphique.</i>
CIL	<i>Corpus Inscriptionum Latinarum.</i>
FIRA ⁶	Bruns, C. ed., 1909. <i>Fontes Iuris Romani Antiqui</i> . 6th ed. Tübingen: Mohr.
GRF	Funaioli, Gino, ed. 1907. <i>Grammaticae Romanae Fragmenta</i> . Leipzig: Teubner.
ILS	<i>Inscriptiones Latinae Selectae.</i>
LSJ:	H. G. Liddell and Robert Scott. Revised and augmented by Henry Stuart Jones. <i>A Greek-English Lexicon</i> . Oxford: Oxford University Press.
LTUR	Steinby, E. ed., 1993–2000. <i>Lexicon Topographicum Urbis Romae</i> . Rome: Quasar.
NSc	<i>Notizie degli scavi di antichità.</i>
RE	<i>Real-Encyclopädie der classischen Altertumswissenschaft.</i>
SIG ³	<i>Sylloge Inscriptionum Graecarum, tertium edita.</i>
TLL	<i>Thesaurus Linguae Latinae.</i>
Varro <i>ARD</i>	Cardauns, B., ed. 1976. <i>Antiquitates Rerum Divinarum</i> . Mainz: Akademie der Wissenschaften und der Literatur.

Introduction

1. August. *De Civ. D.* 7.34–35. This passage is Varro *Curio De cultu deorum* fr.3 (Cardauns). See other versions in Livy 40.29, Valerius Maximus 1.1.12, Pliny *NH* 13.84–87, Plutarch *Numa* 22, Lactant. *Div. inst.* 1.22, and Aurelius Victor *De vir. ill.* 3.2, who depend variously on accounts in earlier historians: Cassius Hemina, Sempronius Tuditanus, Calpurnius Piso Frugi, and

- Valerius Antias. The variant narratives have been studied by Cardauns (1960) 23–25; Rosen (1986); Forsythe (1994) 207–215; Willi (1998); Rosenberger (2003), with a tabulated list of the variants; and Briscoe (2008).
2. Modern historical accounts of the incident of the books of Numa have focused on the alleged Pythagorean contents of the books. See Delatte (1936), followed by Herrmann (1946), Gagé (1955) 318–338, Latte (1960) 269–270, Prowse (1964), and Grilli (1982) for Pythagorean authorship. Cf. Carcopino (1937). More recently, Gruen (1990) 158–192, followed by Orlin (2000) 76–82, argues for the importance of senatorial agency.
 3. August. *De Civ. D.* 7.32. This chapter can be related to Augustine's theology of the Jews, elaborated in several texts from the later part of his career and now reconstructed in Fredriksen (2008).
 4. August. *De Civ. D.* 7.34: *Senatus autem cum religiones formidaret damnare maiorum et ideo Numae assentiri cogeretur, illos tamen libros tam perniciosos esse iudicavit, ut nec obrui rursus iuberet, ne humana curiositas multo vehementius rem iam proditam quaereret, sed flammis aboleri nefanda monumenta, ut, quia iam necesse esse existimabant sacra illa facere, tolerabilius erraretur causis eorum ignoratis, quam cognitis civitas turbaretur.*
 5. August. *De Civ. D.* 7.35: *Quid mihi ergo Varro illorum sacrorum alias nescio quas causas velut physicas interpretatur? quales si libri illi habuissent, non utique arsisent, aut et istos Varronis ad Caesarem pontificem scriptos atque editos patres conscripti similiter incendissent.*
 6. Prostitutes and the altar of Juno: Paulus 222 L and Aulus Gellius NA 4.3.3 ("a law of Numa"); Dius Fidius: Aelius Stilo GRF fr.9 = Varro *De L. L.* 5.66; Intercidona, Pilumnus, and Deverra: Varro ARD fr. 111 = August. *De Civ. D.* 6.9.
 7. The theological works of Philodemus found at Herculaneum do not mention Roman religious institutions. It is difficult to know where to place the book in Greek by the Sicilian rhetor Sextus Clodius described as *de diis*, which may have addressed the Roman Bona Dea (Arnobius *Adv. Nat.* 5.18; Lactant. *Div. Inst.* 1.22); Wiseman (1974) 134–137 argues for a Roman political context for this work, but the evidence in the Christian apologists suggests that the work was aimed at Greek audiences.
 8. Despite Lucretius's obvious concern with translation and the "Romanization" of Epicureanism, his religion (*religio*) is a generalized one. He relies, for example, on the *exemplum* of the sacrifice of Iphigenia as his initial set piece rather than any Roman human sacrificial practice (*DRN* 1.80–101). See Hadzsits (1918) on this tendency. Cf. Summers (1995).
 9. Varro ARD fr. 9 (Cardauns) = August. *De Civ. D.* 6.5: *Tertium genus [sc: theologiae] est . . . quod in urbibus cives, maxime sacerdotes, nosse atque administrare debent. In quo est, quos deos publice † sacra ac sacrificia colere et facere quemque par sit.*
 10. Varro apparently quoted the pontifex maximus Q. Mucius Scaevola on civil theology; see Cardauns (1960) fr. 5 = August. *De Civ. D.* 4.27 and North

- (2014a). On the origins of the civil theology as an element in the so-called tripartite theology, see Pepin (1956) and Lieberg (1973).
11. Cic. *Acad. post.* 1.9: *Nam nos in nostra urbe peregrinantis errantisque tamquam hospites tui libri quasi domum deduxerunt, ut possemus aliquando qui et ubi essemus agnoscere.*
 12. On the role of Christian polemic, early modern political thought and Hegelian ideas in forming early scholarly ideas about Roman religion, see North (1976), Stroumsa (2010) 149–157, and Scheid (1987). Hegel’s ideas about Roman religion, which are apparently formed in light of the first two trends, are to be found in his *Lectures on the Philosophy of Religion*: see Hegel (1988) 375–387. With different perspectives, see also Momigliano (1992), Bendlin (2000), and Phillips (2007) for the history of study of Roman religion. I discuss the influence of early modern political thought in Chapter 1.
 13. Wissowa (1912) 9: “Die römische Religion kennt keine ἱεροὶ λόγοι . . . sie hat mit einem Worte keine Mythologie”; Cumont (1911) 31 (also commenting here on Greek religion).
 14. John Scheid is the most prominent scholar to work on Roman religion as ritualistic (or orthopractic), without being subject to Christianizing bias. See, especially, Scheid (2003) and (2005). For criticism of this approach, see Bendlin (2001).
 15. Gradel (2002) 3. For a remedy, see now Spencer Cole (2013), an excellent study of the intellectual work around “deification” in the late Republic (see 10 n. 32 for a comment on Gradel’s view).
 16. Andreas Bendlin (2005) and Jörg Rüpke (2005a) have both written essays that raise the question of the relationship between “book religion” and Roman religion. More broadly, see the important work by Spencer Cole (2013), Beard (1987), and Feeney (1998) on the intellectual component of Roman religious culture. I borrow the idea of a “theological turn” from developments in critical theory since the 1990s, and particularly after 9/11, that have seen postmodern theorists become interested in religion (Derrida) and political theology (Agamben, Badiou, and Zizek).
 17. Ando (2008); Rüpke (2012b).
 18. Dumézil (1970) 550. For recent interpretations of these writers as “external” interpreters, see Scheid (2003) 174–181 and Prescendi (2007), who divides her study between the “real” ritual of sacrifice and written interpretations. For late Republican and early Augustan writers on Roman religion as sources, particularly for early Roman cult, see Wissowa (1912) 4–6, Latte (1960) 4–8, and Dumézil (1974) 111–115.
 19. The magisterial essay by Arnaldo Momigliano (1950) on “the antiquarian” brings both ancient and early modern phenomena under the same umbrella. See also Momigliano (1990) 54–79.
 20. Humphreys (1997) 209: “[Momigliano] also, it seems to me, extended the category of ‘antiquarian’ history, originally used to characterize the research of the 17th–18th centuries, both back into antiquity and forward

- into modern times in questionable ways.” See now also MacRae (forthcoming) for the early modern genealogy of Roman antiquarianism and an argument for rethinking the late Republican texts called “antiquarian.”
21. Some exceptions to the neglect include Sehlmeier (2009), Rüpke (2009), Van Nuffelen (2010), and Spencer Cole (2013). Ando (2010) 57 n. 6 suggests that study of the phenomenon is still a desideratum.
 22. Detienne (2008). One of the marked methodological “turns” in the field in the last few years has been precisely this turn to comparison. It is most prominent among social science-oriented ancient historians; see, for example, Bang (2008), Scheidel (2009). China is something of a privileged case for comparison; for some discussion of this trend, see Vasunia (2011).
 23. The bibliography on “religion” and its development is very large: W. C. Smith (1963), Asad (1993), J. Z. Smith (2004), and Masuzawa (2005) all make important contributions. See Bell (2006) for the current “state of play.”
 24. Nongbri (2008) and (2013).
 25. Finley (1985); Foucault (1985); see also Halperin (1990).
 26. In the study of the ancient economy, this has led to the increasingly widespread scholarly use of new institutional economics, which focuses on how particular cultural institutions shape economic activity; see the essays in Scheidel (2012) and Manning (2014). In the field of ancient sexuality, the debate about how to understand ancient sexuality after Foucault has yielded several different approaches; see H. Parker (1997) and (2001), C. Williams (2010), and Davidson (2001) and (2007)—though see Hubbard (2009) on Davidson—all with further bibliography.
 27. Brunt (1980) is a significant essay on the dangers of working with fragments. With a very few exceptions, discussed below, I have deliberately limited this study to fragments where the quoting authors give explicit attribution to named authors or works. The fragments of civil theology are scattered among Funaioli’s *Grammaticae Romanae Fragmenta* (1907), Bremer’s *Iurisprudentiae antehadrianae quae supersunt* (1896), and Cardauns’s edition of Varro’s *Antiquitates Rerum Divinarum* (1976).

1. Gods and Humans in Rome and Its Empire

1. App. *Mith.* 116: ὁ δὲ ἐθριάμβευσεν ἐπὶ λαμπροτάτης καὶ ἥς οὐτις πρὸ τοῦ δόξης. Cf. Plut. *Pomp.* 45. Beard (2007) 7–41, now the key study on the Roman triumph, presents the details of Pompey’s triumph in its context. The detail of white bulls is taken from Servius *ad Geor.* 2.146.
2. These lead sheets are now known as the Johns Hopkins *defixiones*. Publication: Sherwood Fox (1912). See Adams (2007) 444–451 for language, provenance, consensus date (second quarter of first century BCE), and further bibliography. On writing as a central act in ancient magic, see Frankfurter (1994), J. Z. Smith (2004) 215–229, and Mastrocinque (2010).

3. There has been recent lively debate around whether written curses on lead are “magic” or “religion”: see Faraone (1991) 17–20, Graf (1991), Versnel (1991), Bremmer (1999) 9–12, and Ogden (1999) 85–86. Nevertheless, works on “Roman religion” still tend to marginalize these curse tablets.
4. I owe the phrase to Hopkins (1999).
5. Nongbri (2013) 157–158. This definition sidesteps the significant challenge raised by Scheid (2013) 171–195 to taking “belief” or “emotion” as the central definition of religiosity.
6. Krauter (2004) 113–142 shows that foreigners could and did participate in cults at Rome; Romans also participated in cults away from Rome: see, for example, Susan Cole (1984) 87–103 on Romans as worshippers at Samothrace.
7. The work of John Scheid is the most prominent contemporary representative of this view. See, especially, Scheid (2013), which is a polemical restatement of this approach. Beard, North, and Price (1998) present this narrative for the Republican period but broaden their book to include “religions” of Rome for the Imperial period; see also Rives (1995). This view has much in common with the “polis religion” model for Greek religion: see Sourvinou-Inwood (1990).
8. Niccolò Machiavelli, *Discorsi sopra la prima deca di Tito Livio*, 1.11–15; Jean-Jacques Rousseau, *Social Contract* 4.8.
9. For fear of Christianizing bias in the study of ancient religion, see, for example, influential statements by Price (1984) 11–16 and Scheid (1985) 7–10. This understanding of Christianity as “other” to a Roman civic religion can also be found in both Machiavelli and Rousseau, who are critical, in normative terms, of the effect of their contemporary Christianities on civic solidarity.
10. I follow closely in the footsteps of others, most notably Bendlin (2000), though see below for differences. The work of Ando, Feeney, Rüpke, Tatum, and Woolf has also been influential for my argument, especially Ando (2008), Feeney (1998), Rüpke (1999) and (2012c), Tatum (1999a), and Woolf (1997).
11. Scheid (2001) 48: “Cicéron a défini la religion dans son ensemble comme étant le ‘culte des dieux’ (Cicéron, *De la nature des dieux* 2, 8; 1, 1, 117). Nous comprenons maintenant que c’est l’ensemble des coutumes et des règles qui sont imposées aux citoyens, et surtout à ceux qui le représentent. Aucun acte ne doit ni ne peut être personnel, échapper à la sphère du public, tout est codifié et surveillé, précisément parce que tout se fait publiquement, au nom de tous les citoyens.”
12. See Pina Polo (2011) 22–57 for the religious actions of consuls and 27 n. 32 for the urban praetor.
13. For the claim to worship for the community, see Scheid (2013). Rüpke (2012b) 37–50 points out topographical limitations on public acts of worship and suggests that the institutionalization of certain spectacles,

particularly processions, in the mid-Republican period produced a more efficient space for public religious communication.

14. Scheid (2001) 29–34; Beard, North, and Price (1998) 1.214–215. Krauter (2004) questions the relationship between citizenship and religious practice in Hellenistic and early imperial Greece, Rome and Judaea; see Scheid (2013) 95–120 for reservations.
15. See R. Parker (2011) 61 on the Orwellian tendency of the “polis religion” model.
16. Rives (2006) and (2011).
17. See Krauter (2004) 279–289 and Bendlin (2000) 125–126 for the lack of religious prescription. Bendlin notes *supplicationes* at time of crisis as an exception, but we might wonder if Livy (our source for mid-Republican *supplicationes*) exaggerates the role of central authority at the expense of self-organizing social responses to crisis. For Pleminius and Fulvius Flaccus, see Livy 29.8–9, 18–19, and 42.3.
18. The *Bacchanalia* is a traditional problem in the history of Republican religion. Paillet (1988) is the fullest study; North (1979) frames the issues most clearly. In 139 BCE, Valerius Maximus (1.3.3) reports that a praetor named Hispalus expelled astrologers and Jewish worshippers of Sabazios. Krauter (2004) 304–311 studies this expulsion and provides earlier bibliography.
19. This is the tendency of Beard, North, and Price (1998). Cf. Scheid (2005) 280–281. By the persecutions by Decius and Diocletian (third and fourth centuries CE), there is evidence for the legal enforcement of some kind of adherence to the (sacrificial) religious *koine* but hardly to “Roman religion.” See Rives (1999) on the former and Digeser (2012) 164–191 on the latter.
20. Dench (2005) 26–27, 137–139. Cf. Scheid (1990b) 71 for the assumption that any Roman citizen would know, *as a citizen* and regardless of geographical origin, how to perform the ritual actions of the Arval Brethren. See Jennings (2000) on modern French citizenship in relation to cultural identity.
21. Rüpke (2002) and (2011b), developing the earlier conclusions of Scheid (1984).
22. Linderski (1986) 2151–2225 on lack of room for initiative by augural college and dependence on magistrates; cf. Scheid (1984) and Beard (1990) for other priesthoods.
23. Note Wissowa (1912) 511 on the limited police actions of the pontifical college; one apparent exception is the attempted punishment of a Claudian augur, but the details depend on Mommsen’s hypothetical reconstruction of Festus 462–464L. See North (2011) on the co-option of priests during the late Republic, with earlier bibliography.
24. Mommsen (1887) 2.18–73; Scheid (1984) 280: “l’inéluctable solidarité de deux droits . . . le sacré et le public, étaient liés à la constitution républicaine”; North (2006). The role of the *pontifex maximus* at the *comitia calata*, for example, is obscure, like much else about that institution.

25. This paragraph is indebted to Harris (2007), a clear contemporary introduction to the economic history of the late Republic, based on “modernist” assumptions about the ancient economy. See Scheidel (2004) and (2005) for a study of demographic change in this period with an emphasis on population mobility.
26. Broadhead (2004).
27. Brunt (1971) 384.
28. See Wallace-Hadrill (2008) 103–143 on the monumentalization of urban centers in central and southern Italy in this period.
29. See Feeney (2005).
30. Philip V remarked on the Roman system in an important letter to the Larissans from 214 BCE (*SIG*³ 543). See Dench (2005) 93–151 for the significance of the form of Roman citizenship.
31. See Purcell (1994) and Mouritsen (2011), esp. 120–205, on the practice of manumission at Rome.
32. I borrow William Sewell’s “calque” (eventful) on the term *histoire événementielle*, associated with the Annales school: Sewell (2005) 83.
33. Bendlin (2000) 128–129 also points to the difficulty of the assumption of high levels of social solidarity, which is written into the so-called civic compromise view of Roman religion.
34. Fenelli (1975); Comella (1981). See also many of the valuable volumes in the series *Corpus delle stipi votive in Italia*, edited by Comella and Torelli. Rüpke (2007) placed votive religion into his survey of Roman religion. Schultz (2006) fully integrates the archaeology of votive religion into her work on Republican women’s religion.
35. Rüpke (2013) raises important issues about the nature of this “individual” interaction with the divine: I intend here “individuation” (individual options within a social context) rather than “individualism” (the ideology of personal autonomy from society).
36. Pensabene, Rizzo, Roghi, and Talamo (1980).
37. Gatti Lo Guzzo (1978).
38. For Greece, see Forsén (1996) and Hughes (2008).
39. Comella (1981) first outlined the Etruscan-Latinal-Campanian (E-L-C) votive culture. Glinister (2006) and Stek (2009) 24–28 argue against the view that this votive practice should be related to the Roman state; cf. De Cazanove (2000) and, with nuance, Dicus (2012).
40. See Renberg (2006–2007) Cat. Nos. 1–3 and 7 for evidence of elite engagement from the third century BCE with the cult of Aesculapius.
41. In particular, findspots by the river Tiber upstream from the Tiber Island and sites well away from the river indicate an independence of the practice from the cult site of Aesculapius on the island.
42. North (1979).
43. ILS 4405 = RICIS 501/0109: *o(biit) A(ulus) Caecili(us) A(uli) l(ibertus) Olipor/ o(biit) Cn(aei) Caecili A(uli) l(iberti) Filonis/ o(biit) Caecili{li}a A(uli) et Cn(aei)*

l(ibera) Asia/ o(biit) A(uli) Caecili A(uli) Cn(aei) l(iberti) Alessandri/ o(biit) Polla Caecilia Spuri f(ilia)/ v(ivit) A(uli) Caecili A(uli) f(ilii) Pal(atina tribu) Rufi/ o(biit) T(iti) Sulpici T(iti) f(ilii) Caeci(iliani) sac(erdotis) Isid(is) Capitolin(ae)/ o(biit) Porcia T(iti) l(ibera) Rufa sac(erdotis) Sulpici <Isidis> Capitoli(nae)/ v(ivit) T(itus) Porcius T(iti) f(ilius) Col(lina tribu) Maximus/ v(ivit) T(itus) Sulpicius T(iti) l(ibertus) Primus/ v(ivit) C(aius) Valerius C(ai) l(ibertus) Philargurus/ v(ivit) Q(uintus) Lolius Q(uinti) f(ilius) Ser(gia tribu) Rufus/ v(ivit) D(ecimus) Aurelius D(ecimi) l(ibertus) Felix / h(oc) m(onumentum) h(eredem) non seq(uetur).

44. For discussion of this inscription, particularly the date and onomastics, see Coarelli (1983) and Takács (1995) 51–56. See also CIL 1².986 for this Republican priesthood.
45. See Pocock (1926) for the details of *Against Vatinius* and Vatinius' biography.
46. Cic. Vat. 14: *tu, qui te Pythagoreum soles dicere et hominis doctissimi nomen tuis immanibus et barbaris moribus praetendere, quae te tanta pravitas mentis tenuerit, qui tantus furor ut, cum inaudita ac nefaria sacra susceperis, cum inferorum animas elicere, cum puerorum extis deos manis mactare soleas, auspicia quibus haec urbs condita est, quibus omnis res publica atque imperium tenetur, contempseris . . .*
47. *Scholia Bobiensia* (In Vatinius 14): *"Tu, qui te Pythagoreum soles dicere" Hoc ipsum plenissime purgavit atque defendit et non sine laude praetulit in ea oratione, quam pro ipso Vatinio scribere adgressus est; Jer. c. Rufinum 3.39: De dogmatibus eorum, non de libris locutus sum, quae potui in Cicerone, Bruto ac Seneca discere. Lege pro Vatinio oratiunculam et alias ubi sodalitorum mentio fit.* See Gruen (1967) on the political context of Cicero's *Pro Vatinio*.
48. See L. Roller (1999) for a sweeping history of the cult of Cybele from Iron Age Anatolia to Imperial Rome. Beard (1994) also examines this pluralism from a different angle: the Galli priests and the debate around Roman identity.
49. There has been some modern debate about the source of the Magna Mater stone, caused by differences in the ancient texts. For Pessinus as the most likely location, I follow Burton (1996), with Livy as the ancient authority (pace Orlin (2010) 79–80).
50. For some suggested "political" motives for the import, see Gruen (1990) 5–33, Burton (1996), and Satterfield (2012).
51. Livy 29.14: *matronae primores ciuitatis, inter quas unius Claudiae Quintae insigne est nomen, acceperunt; cui dubia, ut traditur, antea fama clariorem ad posteros tam religioso ministerio pudicitiam fecit. eae per manus, succedentes deinde aliae aliis, omni obuiam effusa ciuitate, turibulis ante ianuas positae quae praeferebatur atque accenso ture precantibus ut uolens propitiaque urbem Romanam iniret, in aedem Victoriae quae est in Palatio pertulere deam pridie idus Apriles; isque dies festus fuit.* See H. Parker (2004) for the cultural logic of the chaste Claudia Quinta as representative of the Roman community.
52. See S. M. Goldberg (1998) on the topography of theatrical production at Rome in relation to the temple of the Magna Mater and the very small

percentage of the urban population that could have been present for a performance of a Plautine comedy: even this communal worship did not involve mass participation.

53. Romanelli (1963), with the amendments in Pensabene (2002) 81–89.
54. For example, Showerman (1900) argued, using then-available literary evidence, that Attis did not arrive in Rome until Claudius.
55. *Rhet. Her.* 4.62: *ut in invidiam adducat, hoc modo: "Iste, qui divitias suas iactat, sicut Gallus e Phrygia aut hariolus quispiam, depressus et oneratus auro clamat et delirat."*
56. See Latham (2012) for the Roman literary tradition on the Galli as unmasculine. See Bowden (2010) 96–104 for skepticism about the frequency of the castration of the Galli.
57. Cumont (1911) 52–53; Turcan (1996) 37–38.
58. *Inscr. Ital.* 13.2 127: *Nobilium mutitationes cenarum solitae sunt frequenter fieri, quod Magna Mater ex libris Sibullinis arcessita locum mutavit ex Phrygia Romam.*
59. *Cic. Sen.* 45: *primum habui semper sodales. sodalitates autem me quaestore constitutae sunt sacris Idaeis Magnae Matris acceptis. epulabar igitur cum sodalibus omnino modice, sed erat quidam fervor aetatis.*
60. *Pace* Scheid (2013) 135, there is no evidence that these clubs (*sodalitates*) claimed to worship on behalf of the whole community.
61. Foss (1997) and Bodel (2008).
62. Wendt (2013) addresses this phenomenon for the early imperial period. See now Santangelo (2013) 69–173 for the full variety of divinatory options in Rome.
63. Bendlin (2006) is an excellent essay on Augustus' individual relationship with Jupiter Tonans in the context of religious pluralism. For the phenomenon, see Beard, North, and Price (1998) 1.84–16, 140–149, 206–210.
64. Even colonies might not be a special case: Bispham (2006).
65. See Ando (2008) 21–42 for the ambiguities involved.
66. Livy 41.20.
67. On the problem of relating specific *polis* cults to Greek religion in general, see R. Parker (2011) 225–236 and Kindt (2012) 25–27. Closer to home, the same thought experiment might work with Roman religion as Etruscan/Samnite/Lucanian religion; squint a bit and they look rather like local versions of an Italian *koiné* culture rather than independent "religions" (*pace* Lacam 2010). This similarity to surrounding religious cultures was a subject for Roman reflection, as Scheid (1995) points out.
68. Scholars have used a variety of metaphors to describe this situation: Bendlin, who has influenced my approach here, uses the problematic concept of a "marketplace" of religions from modern sociology; Bryant (2000) sketches some of the problems. Historians of Greek religion have recently suggested different metaphors, which may *mutatis mutandis* be useful for Rome: "thin coherence" by Kindt (2009), taking the concept from Sewell (2005) 152–174, or "networks and narratives" by Eidinow (2011), drawing

- on the cognitive approach to social network analysis outlined by White (2008).
69. See DuBois (2014) 167–172 for an exciting description of this “polytheistic” modernity.
 70. Asad (2003) is a fresh look at the way “the secular” works to construct a Western concept of religious pluralism. See also Josephson (2012) for the mutual construction of the secular, the religious, and the superstitious.
 71. There is evidence for a Jewish community at Rome from the late Republican period on, but, aside from a few rhetorical jibes, they and their god were apparently fairly easily incorporated into the wider polytheistic picture.
 72. Despite the book title, the essays in Barceló (2010) underline this absence of fundamentalism before the fourth century CE.
 73. Compare Scheid (2013) 84 and 215–216, adamant that Roman religious culture is completely “other.”

2. *Writing Roman Religion*

1. Momigliano (1984).
2. The term “textualization” has been used in various ways by several other scholars. Bell (1988) is the nearest to my sense; cf. Kennedy (2002) and Stroup (2010). My use of the word is also similar to Bourdieu’s “codification” (Bourdieu 1990, followed by Collins 2002).
3. I differ from Nongbri (2013) 53, who “question[s] the helpfulness of describing this discourse as ‘Roman religion.’” The problems raised by Nongbri are real, but we do need some language to describe meaningfully what the civil theologians took as their subject matter—Varro’s *res divinae* or the list of topics at Cic. *De Nat. D.* 1.14—and I think that “Roman religion” comes closest to naming in English “things to do with the Roman gods.”
4. Both Varro and Cicero have recently been acclaimed as inventors of “religion” as a category at Rome: on Varro, see North (2014a) and Rüpke (2014b); for Cicero, see Beard (1986).
5. On the *Antiquities*, see the commentary by Cardauns (1976). The accepted date for the *Antiquities* is the early 40s, based on the dedication to Julius Caesar. Jocelyn (1982) proposed a date in the early 50s, but this argument hinges on Varro’s habits of research and writing, about which we know nothing.
6. August. *De Civ. D.* 4.31 = Varro *ARD* fr. 12 and August. *De Civ. D.* 6.6 = Varro *ARD* fr. 11. I touch here on the question of the “tripartite theology,” on which see Lieberg (1973). With different emphases, Rüpke (2005d), Cancik (2008) 1.57–60, Van Nuffelen (2010), Ando (2010), and North (2014a) all converge on an analysis of Varro’s project in terms of the relationship between specifically Roman institutions and other modes for conceiving the gods.

7. Cic. Div. 2. 148: *Quod et in is libris dictum est, qui sunt de natura deorum, et hac disputatione id maxime egimus. Multum enim et nobismet ipsis et nostris profuturi videbamus, si eam* (sc. *superstitionem*) *funditus sustulissemus. Nec vero (id enim diligenter intellegi volo) superstitione tollenda religio tollitur. Nam et maiorum instituta tueri sacris caerimoniisque retinendis sapientis est et esse praestantem aliquam aeternamque naturam, et eam suspiciendam admirandamque hominum generi pulchritudo mundi ordoque rerum caelestium cogit confiteri.*
8. Varro ARD fr. 2 = August. *De Civ. D.* 6.2: [Varro] *dicat se timere ne pereant* [sc. *dei*] *non incursu hostili, sed civium neglegentia, de qua illos velut ruina liberari a se dicit et in memoria bonorum per eius modi libros recondi atque servari utiliore cura, quam Metellus de incendio sacra Vestalia et Aeneas de Troiano excidio penates liberasse praedicatur.*
9. Cic. *De Leg.* 2.23: *non multum discrepat ista constitutio religionum a legibus Numae nostrisque moribus.*
10. Moatti (1997), Wallace-Hadrill (1997 and 2008), and Rüpke (2012b) are all recent studies of intellectual change in the late Republic that share a tendency to understand this change as a form of enlightenment or rationalization. The fact of intellectual change, even revolution, in this period is beyond dispute, but the use of modernity as an explicit or implicit comparison (whether in the guise of Enlightenment or Weberian rationalization) begs fundamental questions about how appropriately “modernity” describes the culture of late Republican Rome.
11. By “style,” I do not wish to suggest that this is mere rhetoric rather than a serious intellectual toolbox; cf. Volk (unpublished). As has been noted for other periods, telling the difference requires measurement of the past against the standards of the present: Foucault (1972) 33 and Latour (1988) 94–100. White (2008) 135–141 points out that rationality is a style too.
12. See, for example, Koch (2003), Momigliano (1984) (also considering Nigidius Figulus), and Rüpke (2012b) 172–204. Rawson (1985) is a partial exception.
13. Fabius Pictor fr. 3 (Bremer) = Aulus Gellius *NA* 10.15.1–17.
14. Aulus Gellius *NA* 10.15.7–12.
15. Nigidius Figulus fr. 77 (Swoboda) = Non. 211, 30 M: *Liba generis neutri . . . masculino Nigidius de diis: deinde surgat; faciat libos quattuor; et infra: libos duos ad dextram et duos laevorsus.*
16. Appius Claudius fr. 1 (Bremer) = Festus 386 L.
17. August. *De Civ. D.* 6.3 = Varro ARD fr. 4 (Cardauns).
18. We cannot be certain about the absence of *haruspices*, but no fragment mentions haruspicy and there is no apparent room for them in the book arrangement. On the absence of the Galli priests, see August. *De Civ. D.* 7.25.
19. Varro ARD frs. 35 and 36 (Cardauns) = August. *De Civ. D.* 4.23. See Rüpke (2014b) on these fragments as part of Varro’s “historicization” of religion.

20. Varro *ARD* fr. 38 (Cardauns) = Tert. *Apol.* 25: *nam, etsi a Numa Pompilio concepta est curiositas superstitiosa, nondum tamen aut simulacris aut templis res divina apud Romanos constabat*; cf. *Ad Nat.* (2.17). Cicero *de Leg.* 2.29: *Quod <ad> tempus ut sacrificiorum libamenta servantur fetusque pecorum quae dicta in lege sunt, diligenter habenda ratio intercalandi est, quod institutum perite a Numa posteriorum pontificum neglegentia dissolutum est*. Cf. Dyck (2004) ad loc.
21. Varro *ARD* fr. 229 (Cardauns) = August. *De Civ. D.* 7.2. On the *di selecti* in Varro's *Antiquities*, see Lehmann (1997) 171–183.
22. Varro *ARD* fr. 56a (Cardauns) = Lactant. *Div. Inst.* 1.6. 7–12. On the text of this fragment, see the comments by Horsfall (1979) 48.
23. Nigidius Figulus fr. 68 (Swoboda) = Arnobius *Adv. Nat.* 3.40.
24. Ennius *Ann.* 240–241 (Skutsch):

*Iuno Vesta Minerva Ceres Diana Venus Mars
Mercurius Iovis Neptunus Volcanus Apollo.*

For theorization of poetic lists, see Spufford (1989) and Belknap (2000).

25. For examples in Roman prayer, see the comprehensive study by Appel (1909).
26. Fabius Pictor fr. 3 (Bremer) = Aulus Gellius *NA* 10.15.1–17.
27. See below in Chapter 6 for how Augustine's interest in this passage was conditioned by his own project in the *City of God*.
28. Usener (1896) is the most famous interpretation of the meaning of the Roman *Sondergötter*.
29. For the parallel between Varro's books on the gods and *On the Latin Language*, see Wissowa (1904) 322 n. 1. Rawson (1985) 237 on *De L. L.* 5: "perhaps unsurprisingly in the circumstances, not very clear, complete or well-focussed."
30. See Bremer (1896) 1.262 for fragments and testimonia. The pontifical books on the *indigitamenta* mentioned by Servius *ad G.* 1.21: *qui et nomina deorum et rationes ipsorum nominum continent* probably refer to this type of book. See also Wissowa (1904) and Rohde (1936) 8.
31. Rawson (1985) 132–133.
32. Cicero *Top.* 9–10 and 26–34. Reinhardt (2003) 205–213 and 256–273 is highly informative on this text and subject. The initial theorization of definition and division is by Aristotle *Rhet.* II.23.8–10 and *Top.* 111b 12–16.
33. Varro *ARD* fr. 4 (Cardauns) = August. *De Civ. D.* 6.3.
34. Cic. *De Nat. D.* 3.5. Cf. Pease (1955) ad loc. For the meaning of *religio* here, and the difficulty presented by Cicero's switch to the plural *religiones* to refer to these constituent parts in the next sentence, see Ando (2008) 3, 105–6.
35. Van Nuffelen (2010) and Blank (2012) 268–279 discuss the philosophical identity of book sixteen of the *ARD*, arguing for the decisive influence of Antiochus of Ascalon.
36. Vevaina (2010).

37. See J. Z. Smith (1982) 36–52 for the cross-cultural religious practice of creating closed lists, which he terms *Listenwissenschaft* (47: “this is a science which takes as its prime intellectual activity the production and reflection on lists, catalogs and classifications”).
38. See the study by Vasaly (1993) on the importance of *deixis* to the fabric of the city in Cicero’s oratory and ancient rhetorical theory in general. For Roman historiography, see especially the study on Livy by Feldherr (1998).
39. See Cancik (2008) 1.62–80 and 115–121 for Varro’s concern to “uncover” the Roman religious landscape and cult iconography.
40. Varro ARD fr. 228 (Cardauns) = August. *De Civ. D.* 7. 17: *de diis*, (sc. Varro) *inquit, populi Romani publicis, quibus aedes dedicaverunt eosque pluribus signis ornatos notaverunt, in hoc libro scribam.*
41. Varro ARD fr. 225 (Cardauns) = August. *De Civ. D.* 7.5: *dicat* (sc. Varro) *antiquos simulacra deorum et insignia ornatusque finxisse, quae cum oculis animadvertissent hi, qui adissent doctrinae mysteria, possent animam mundi ac partes eius, id est deos veros, animo videre.* See Lehmann (1997) 184–192 and Van Nuffelen (2010) 174–175.
42. Van Nuffelen (2010) has most recently argued for the pervasive influence of Antiochus of Ascalon on Varro’s theology in the fragments of *Divine Antiquities* 16. See also Blank (2012) and Boyancé (1955). On Antiochus’s thought, see Dillon (1977) 52–106 and the volume edited by Sedley (2012).
43. Varro ARD fr. 18 = August. *De Civ. D.* 4.31: *antiquos Romanos plus annos centum et septuaginta deos sine simulacro coluisse.* See Van Nuffelen (2010) 182–184.
44. On the distinction between L. Cincius and Cincius Alimentus, see Pleuss (1865), Funaioli (1907) 371–372, and Oakley (1997) *ad* 7.3.7. For dating, compare Rawson (1985) 247–248 and Rüpke (2012b) 250 n. 37, who think he was a contemporary of Varro, with Heurgon (1964), who argues for a date before 83 BCE.
45. See Gabba (1981) 61.
46. See TLL s.v. *mystagogus* viii 1752.37–1752.51 (Lumpe).
47. L. Cincius fr. 11 (GRF) = Festus 498 L. Cf. Forsythe (2005) 258. For the likely context for this fragment, see Rawson (1985) 247.
48. Livy 7.3. On the identification of this fragment, see Heurgon (1964).
49. On Pausanias’s well-known tendency to focus on Archaic and Classical Greek religious monuments, see Elsner (1992).
50. Cic. *Acad. post.* 1.9: *Nam nos in nostra urbe peregrinantis errantisque tamquam hospites tui libri quasi domum deduxerunt, ut possemus aliquando qui et ubi essemus agnoscere.*
51. See Dench (2005) 37–92 for “Roman ethnographies” and Woolf (2013) for an evaluation of the place of the gods and rites in Roman writing about other peoples.
52. Cic. *De Nat. D.* 2.8 (in the persona of the Stoic Balbus): *et si conferre volumus nostra cum externis, ceteris rebus aut pares aut etiam inferiores reperiemur, religione id est cultu deorum multo superiores.* There is an imperialist prehistory to

- this claim of exceptional religiosity: see the letter from M. Valerius to Teos from 193 BCE (SIG³ 601) and Polybius's account of the Roman *politeia* in his *Histories* (6.56.6–7).
53. Recent English-language scholarship on the dialogue, especially Beard (1986), Schofield (1986), Krostenko (2000), and Santangelo (2013), has revised an older view that *On Divination* was straightforwardly skeptical of prophecy (e.g., Pease (1920) 13: “a vigorous rationalistic protest”), suggesting instead more subtle meanings for the work. Krostenko (2000) has influenced my reading here, but I think that we should understand the dialogue in a wider context than the mid-40s BCE.
 54. Cic. *De Div.* 1.1.
 55. Krostenko (2000) 361–365 and 374–375.
 56. For explicit alternation of Roman and foreign examples in Quintus's speech, see *De Div.* 1.48–59 (on speeches), especially 1.55 (*sed quid ego Graecorum? nescio quo modo me magis nostra delectant*), and 1.95–108. For the separation of Roman and foreign practice in Marcus's speech, see *De Div.* 2.70: *Difficilis auguri locus ad contra dicendum. Marso fortasse, sed Romano facillimus. Non enim sumus ii nos augures, qui avium reliquorumve signorum observatione futura dicamus.*
 57. Cic. *De Nat. D.* 3.5.
 58. Cic. *De Nat. D.* 1.115. Cf. Dyck (2003) ad loc.
 59. This is not to minimize the fact that Cicero is trying to “do (Greek) philosophy” in these books. On this topic, see the subtle analyses by Beard (1986), Schofield (1986), Rüpke (2012b), and Baraz (2012).
 60. On *interpretatio*, see Wissowa (1916–1919), esp. 18, and Ando (2008) 43–58.
 61. Varro *ARD* fr. 16 (Cardauns) = August. *cons. ev.* 1.22: *deum Iudaeorum Iovem [esse] . . . nihil interesse . . . quo nomine nuncupetur, dum eadem res intellegatur.*
 62. Cic. *De Nat. D.* 1.82: *at non est talis Argia nec Romana Iuno. ergo alia species Iunonis Argivis alia Lanuinis. et quidem alia nobis Capitolini alia Afris Hammonis Iovis.*
 63. Nigidius Figulus fr. 70 (Swoboda) = Arnobius *Adv. Nat.* 3.41: *in diversis Nigidius scriptis modo tectorum domumque custodes, modo Curetas illos, qui occultasse perhibentur Iovis aeribus aliquando vagitum, modo Digitos Samothracios, quos quinque indicant: Graeci Idaeos Dactylos nuncupari.*
 64. Nigidius Figulus fr. 73 (Swoboda) = Macrobius *Sat.* 1.9.6–7: *etenim, sicut Nigidius quoque refert, apud Graecos Apollo colitur qui Ὀυπαῖος vocatur, eiusque aras ante fores suas celebrant, ipsum exitus et introitus demonstrantes potentem. idem Apollo apud illos et Ἀγνιεύς nuncupatur, quasi viis praepositus urbanis; illi enim vias quae intra pomeria sunt ἀγνιᾶς appellant, Dianae vero ut Triviae viarum omnium tribuunt potestatem. sed apud nos Ianum omnibus praeesse ianuis nomen ostendit, quod est simile Ουπαῖω. nam et cum clavi ac virga figuratur, quasi omnium et portarum custos et rector viarum. pronuntiavit Nigidius Apollinem Ianum esse Dianamque Ianam, adposita d littera, quae saepe i litterae causa decoris adponitur: “reditur” “redhibetur” “redintegratur” et similia.*

65. There has been significant debate about the origin of this text. See Piganiol (1956) and Ampolo (1990–1991), with references to earlier scholarship. Turfa (2012) now argues for very high dating in the early Iron Age and for Etruscan authenticity with minimal Roman or Byzantine adaption; there is, however, little direct evidence that can support this claim and scholars have long been skeptical that Nigidius did not intervene in the text; see, for example, Thulin (1906–1909) 1.56 n. 1.
66. For John Lydus and his work *De Ostentis*, see Maas (1992), esp. 89–96.
67. Nigidius Figulus fr. 83 (Swoboda) = Lydus *Ost.* 27: θ'. ἐὰν βροντήσῃ, φθορὰ τοῖς θρέμμασιν ἔσται ἐξ ἐπιδρομῆς λύκων./ ι'. ἐὰν βροντήσῃ, θάνατος μὲν ἔσται συχνός, εὐθηνία δὲ ὅμως/ ια'. ἐὰν βροντήσῃ, καύματα μὲν ἀβλαβῆ, τὰ δὲ πολιτικά ἐν εὐφροσύνῃ ἔσται. I follow Swoboda's text.
68. Nigidius Figulus fr. 83 (Swoboda) = Lydus *Ost.* 38: Ταύτην τὴν ἐφήμερον βροντοσκοπίαν ὁ Νιγίδιος οὐ καθολικὴν ἀλλὰ μόνης εἶναι τῆς Ῥώμης ἔκρινεν. Turfa (2012) 25 understands this to be a reference to the climatic similarity of Rome with Etruria, which appears to overlook the adjective μόνος (for this implication, see Weinstock (1951) 140).
69. See also Nigidius Figulus fr. 68 (Swoboda) = Arnobius *Adv. Nat.* 3.40: . . . *disciplinas Etruscas sequens* . . . Varro does seem to have been interested in Sabine elements of the Roman religious system—he claims that Titus Tatius's gods were Sabine (see *ARD* fr. 36 (Cardauns)). In admitting foreign influences to their written Roman religion, all three authors were acknowledging the agglutinative potential of Roman identity, as sketched by Dench (2005).
70. Scheid (2003) 176–178 and Rawson (1972) 37.
71. For etymology as a rhetorical device in antiquity, see Aristotle *Top.* 112b 32–39, *Rhet.* II.23.29, Cic. *Top.* 10 and 35–37.
72. See Reinhardt (2003) 209–211 for a concise summary of naturalist versus conventionalist views of etymology, including a salutary reminder not to attach all ancient etymologizing to specific philosophical schools. Cf. Collart (1954) 258–259.
73. The term itself was apparently originally coined by the Stoic Chrysippus (c. 280–207 BCE) who wrote a *peri etumologikon*. The precise contours of Stoic etymological theory and its relationship with the philosophical system as a whole are difficult to describe precisely; the general position of sophisticated naturalism is certain. See Dahlmann (1932) ch. 1; Barwick (1957); Frede (1987), an important paper; Irvine (1994) 34–38. The importance of etymology in Stoic approaches to traditional religion is discussed by Long (1992).
74. M. Fulvius Nobilior *GRF* fr. 1 = Censor. *dies nat.* 22.9. The etymology of the names of these months was apparently widely debated in antiquity; cf. Maltby (1991) s.v. *Maius* and *Iunius*. See Rüpke (2006) for a discussion of Fulvius Nobilior's writings on the Fasti.

75. L. Cincius fr. VI 2 (Bremer) = Servius *ad G.* 1.10: *Cincius et Cassius aiunt, ab Evandro Faunum deum appellatum, ideoque aedes sacras faunas primo appellatas, postea fana dicta.* This fragment has been attributed to the early annalist Cincius Alimentus (=FRHist 2 F 10, with commentary), who wrote in Greek, but the Latin etymologies are more appropriate to the later Latin-writing civil theologian.
76. Cic. *Brutus* 205–207: *Aelius Stoicus esse voluit.* For Aelius Stilo and his work, see Cic. *Brut.* 205–7 and Suet. *Gram.* 3.1, with Kaster (1995) 68–70. See Nicolet (1966–1974) 765–766 and Rawson (1985) 76 on his biography. For Aelius's place in the intellectual development of Roman intellectual culture, see Lehmann (1997) 96–106. Cf. the overview in Herzog and Schmidt (1989) §192 (Suerbaum).
77. This is a selection of the religious etymologies attributed to Aelius Stilo: *GRF* fr. 9, 13, 17, 45. Cf. fr. 14, 22 and *dubia* fr. 53, 59, 60, 62, 65, 69, 70, 73, 75.
78. Varro *ARD* frs. 1, 25, 56, 61, 62, 66, 68, 70, 80, 81, 86, 89, 91, 92, 93, 95, 96, 97, 98, 99, 100, 102, 103, 106, 107, 108, 109, 111, 112, 113, 114, 115, 116, 118, 119, 120, 121, 122, 125, 126, 127, 128, 129, 130, 131, 132, 133, 137, 138, 139, 140, 141, 145, 146, 147, 148, 149, 150, 152, 153, 154, 155, 158, 160, 164, 166, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 184, 185, 189, 193, 196, 197, 198, 199, 200, 202, 213, 216, 239, 240, 242, 248, 250, 257, 266 (Cardauns).
79. *De L. L.* 5.8: *quartus, ubi est adytum et initia regis.* The text here is problematic, which adds to the enigma. I give Kent's (1938) text from the Loeb, also printed by Collart (1954). The extremely conservative editors Goetz and Schoell (1910) print a *crux desperationis*. Even beyond the difficulty of the text, there is long-standing scholarly debate about the meaning of this fourth level of etymology. The discussion attached to Schröter's (1963) *Entretiens Hardt* paper is fundamental: almost every serious textual possibility is canvassed and interrogated. See Dahlmann (1932) ch. 1, Collart (1954) 272–275, De Poerck (1970) 202–203, and Pfaffel (1981), esp. 231–244.
80. *De L. L.* 5.9: *non enim videbatur consentaneum quae <e>re<re> me in eo verbo quod finxisset Ennius causam, negligere quod ante rex Latinus finxisset, cum poeticis multis verbis magis delecter quam utar, antiquis magis utar quam delecter. an non potius mea verba illa quae hereditate a Romulo rege venerunt quam quae a poeta Livio relictas?*
81. Varro was not a dogmatic Stoic, on etymology or any other topic, but the influence of the Hellenistic theory is significant here (for modern debate on how Stoic Varronian etymology was, see Schroeter (1963), De Poerck (1970), Pfaffel (1981), and Fox (1996) 245–246). At *De L. L.* 7.3, Varro seems to suggest the origin of Latin poetic language with King Numa (*At hoc quid ad verborum poeticorum aetatem? Quorum si Pompili regnum fons . . . tamen habent DCC annos*). This is related to the *Carmen Saliare*, on which see below.

82. Varro *De L. L.* 5.83: *pontufices, ut Sc<a>evola Quintus pontufex maximus dicebat, a posse et facere, ut po<te>ntifices. ego a ponte arbitror: nam ab his sublicius est factus primum ut restitutus saepe, cum ideo sacra et uls et cis Tiberim non mediocri ritu fiant.* Note that Varro's etymology differed from Mucius Scaevola's (self-serving) etymology, which was presumably not based on any Stoic principle. For modern discussion of the etymology of *pontifex*, see Dumézil (1974) 553–554 and Hallett (1970).
83. Plut. *Numa* 9.2–4.
84. See above at note 47.
85. Unfortunately, we have no secure fragments from Soranus's *Epoitides*, though the fragments attributed to him strongly indicate his interest in the topic of religion. On the title, see *LSJ* s.v. ἐπόπτης and Köves-Zulauf (1970). For Valerius's biography and intellectual interests, see Cichorius (1906) and Ferri (2007).
86. Pliny *N. H. pref.* 33: *hoc (a table of contents) ante me fecit in litteris nostris Valerius Soranus in libris, quos ἐποπτίδων inscripsit.* Köves-Zulauf (1970) 326 questions the notion that this work had a hermetic character, pointing to these signs of a systematic organization.
87. Varro *ARD* fr. 225 (Cardauns)=August. *De Civ. D.* 7.5: *dicat (sc. Varro) anti-quos simulacra deorum et insignia ornatusque finxisse, quae cum oculis animadvertissent hi, qui adissent doctrinae mysteria, possent animam mundi ac partes eius, id est deos veros, animo videre.* I have already mentioned the similar language used in the *On the Latin Language* for the "fourth level" of etymology (5.8: *adytum et initia regis*). Van Nuffelen (2011) 46–47 places Varro's use of this mystical language in a wider philosophical context in the first century BCE and first century CE.
88. August. *De Civ. D.* 7.5: *verum ista mysteria doctrinae qualia sint quantique pendenda, quae sequuntur ostendent. Fatetur interim vir iste doctissimus animam mundi ac partes eius esse veros deos . . .*
89. Murphy (2004) 133–135 points out the importance of the trope of mystery for establishing the authority of Roman intellectual writers on religion.
90. Cic. *Acad. post.* 1.9: *Nam nos in nostra urbe peregrinantis errantisque tamquam hospites tui libri quasi domum deduxerunt, ut possemus aliquando qui et ubi essemus agnoscere.*
91. I have already quoted above the claim from the preface of the *Antiquities* that, like Aeneas rescuing the Penates from Troy, Varro was saving the gods by recording them in the memory of the elite (*ARD* fr. 2 [Cardauns]=August. *De Civ. D.* 6.2): *se timere ne pereant [sc. dei] non incursu hostili, sed civium neglegentia, de qua illos velut ruina liberari a se dicit et in memoria bonorum per eius modi libros recondi atque servari utiliore cura, quam Metellus de incendio sacra Vestalia et Aeneas de Troiano excidio penates liberasse praedicatur.*
92. Varro *ARD* fr. 40 (Cardauns)=August. *De Civ. D.* 4.23: *tres dii, Mars, Terminus et Iuventas, qui maiori et regi suo nullo modo cedere loco uoluerunt. Nam sicut*

habent eorum litterae [i.e., Varro], *cum rex Tarquinius Capitolium fabricari uellet eumque locum, qui ei dignior aptiorque uidebatur, ab diis aliis cerneret praeoccupatum, non audens aliquid contra eorum facere arbitrium et credens eos tanto numini suoque principi uoluntate cessuros, quia multi erant illic, ubi Capitolium constitutum est, per augurium quaesiuit, utrum concedere locum uellent Ioui; atque ipsi inde cedere omnes uoluerunt praeter illos quos commemorauit, Martem, Terminus, Iuuentatem; atque ideo Capitolium ita constructum est, ut etiam isti tres intus essent tam obscuris signis, ut hoc uix homines doctissimi scirent.* For the attribution of this fragment, see Agahd (1898) 33.

93. Varro ARD fr. 42 (Cardauns) = August. *De Civ. D.* 4.23: *Sicut enim apud ipsos legitur* [ie. Varro], *Romani ueteres nescio quem Summanum, cui nocturna fulmina tribuebant, coluerunt magis quam Iouem, ad quem diurna fulmina pertinerent. Sed postquam Ioui templum insigne ac sublime constructum est, propter aedis dignitatem sic ad eum multitudo confluit, ut uix inueniatur qui Summani nomen, quod audire iam non potest, se saltem legisse meminerit.*
94. Ovid *Fasti* 6.731: *reddita, quisquis is est, Summano templa feruntur.* For the original nature of Summanus as a hypostasis of Jupiter, see Wissowa (1912) 135.
95. M. Valerius Messalla Rufus *de auspiciis libri* fr. 9 (Bremer) = Festus 152/154L: *Marspedis sive sine r littera maspedis in precatione solitaurilium quid significet, ne Messalla augur quidem in explanatione auguriorum reperire se potuisse ait.* For Messalla's work, see Regell (1904) 9–10; for his public career, see Syme (1986) 227–228. *Solitaurilia* was the sacrifice of a sow, a ram and a bull, also known as *suovetaurilia*. Cf. Ogilvie (1961).
96. Varro, *De L. L.* 6.54.
97. Full lists of these works are collected by Schulz (1946) 89–9, 138 and Prescendi (2007) 16. Testimonia and fragments are collected by Bremer (1896).
98. Sex. Aelius Paetus (cos. 199) was a central figure to the development of a rationalized concept of *ius*. His book, the *Tripartita*, a commentary on the Twelve Tables, was called the *cunabula iuris* (D.1.2.2.38). See Magdelain (1986) 266–268 (though the reconstruction of the prehistory of *ius* in this work reaches well beyond the sources) and Harries (2006) 42.
99. For a concise and informative characterization of the form of jurisprudential writing in our period, see Frier (1985) 160–163. Formal, written legal reasoning plays a significant role in the history of *ius* that has been recently written by Schiavone (2012). Formulae: Fabius Pictor fr. 1 (Bremer) = Aulus Gellius NA 1.12.14; Furius Philus fr. 1 (Bremer) = Macrobius *Sat.* 3.9.6–13; L. Cincius *de re militari* fr. 1 (Bremer) = Aulus Gellius NA 16.4.1. Definitions of terms: Appius Claudius Pulcher fr.1 (Bremer) = Festus 386 L; L. Cincius *de uerbis priscis* fr. 1 (Bremer) = Servius *ad A.* 4.56. Legal categorization: C. Aelius Gallus fr. 14 (Bremer) = Festus 424 L; M. Valerius Messalla *de auspiciis* fr. 1 (Bremer) = Aulus Gellius NA 13.15.1–4. For the similarity of the rhetorical form of pontifical and augural jurisprudence to that of civil jurisprudence, see Harries (2006) 167–168.

100. For late Republican juristic writing on civil law, see Schulz (1946) 90–96, Frier (1985) 139–196, and Harries (2006).
101. Scheid (2006) 19. Cf. Rüpke (2005b) 1569–1586: “Sakralrecht im Rom der Republik.” This recent scholarship corrects the earlier view of Roman sacred law as a sort of proto-canon law, clearly delineated and fixed. Linderski (1986) and Johnson (2007) are major studies on augural law and pontifical law that make a (problematic) a priori assumption that it existed as a body of settled law.
102. This conclusion reverses the Roman (Pomponian [D. 1.2.2]) idea that civil law developed from religious law. The apparent dates of the known fragments suggest that civil jurisprudential discourse emerged before pontifical and augural jurisprudential discourse. Cf. Johnson (2007) 47–48 and North (2009).
103. Recall, once more, the Ciceronian compliment to Varro (*Acad. post.* 1.9: *tu sacrorum iura tu sacerdotum . . . aperuisti*).
104. Rüpke (2005b) 1585: “Wir haben es also nicht mit Normsammlungen, sondern mit protokollartigen Aufzeichnungen, Texten deskriptiven Charakters, zu tun.” Cf. Prescendi (2007) 17.
105. Fabius Pictor fr. 3 (Bremer) = Aulus Gellius NA 10.15.3–7: *equo Dialem flaminem vehi religio est . . . item iurare Dialem fas numquam est; item anulo uti nisi pervio cassoque fas non est. ignem e flaminia, id est flaminis Dialis domo, nisi <in> sacrum efferi ius non est*. Schulz (1946) 98 identifies this passage as representative of the style of Roman legal discourse in the “Hellenistic period”.
106. See the Gellian comments on the “rare” appointment of the *flamen Dialis* as consul “when wars were assigned to consuls” (10.15.4: *idcirco rarer flamen Dialis creatus consul est, cum bella consulibus mandabantur*) and the mention of Masurius Sabinus’s (first-century CE) report of the relaxation of the rule against removing the *apex* indoors (10.15.17–18: *sub tecto uti liceret, non pridem a pontificibus constitutum Masurius Sabinus scripsit*). On changes in the rules for the *flamen Dialis*, see Rohde (1936) 115–146.
107. North (1976) discusses the ideology of conservatism in Roman religion. As an example of obscured development, Fabius records a prohibition, in his atemporal fashion, against the *flaminica Dialis* from going up more than three steps, “except for those stairs that are called ‘Greek’” (*scalas <nisi> quae Graecae appellantur. nisi* here is Scaliger’s emendation, which yields better sense). This suggests an alteration to the rule in the relatively late period, when specific cultural artifacts were labeled “Greek.” See Scheid (1995) 29–30 for the suggestion that the Romans only started to think about their own culture against a generalized “Greek” culture in the third century and Wallace-Hadrill (2008) 145–160 on the idea of characteristic Greek and Italian modes of building construction exemplified by Vitruvius’s *De Architectura*.
108. Livy 31.50.6–9. See Rüpke (2005b) 1347–1348.

109. M. Valerius Messalla Rufus fr. 3 (Bremer) = Aulus Gellius NA 13.14.4–6: *Huius rei* (the exclusion of the Aventine) *Messalla aliquot causas uideri scripsit, sed praeter eas omnis ipse unam probat, quod in eo monte Remus urbis condendae gratia auspicauerit auesque inritas habuerit superatusque in auspicio a Romulo sit: "Idcirco" inquit "omnes, qui pomerium protulerunt, montem istum excluserunt quasi auibus obscenis ominosum."*
110. Veranius fr. II. 4 (Bremer) = Macrobius Sat. 3.6.14: *Veranius Pontificalium eo libro quem fecit de supplicationibus, ita ait: Pinariis, qui nouissimi comeso prandio uenissent, cum iam manus pransores lauarent, praecepisse Herculem, ne quid postea ipsi aut progenies ipsorum ex decima gustarent sacranda sibi, sed ministrandi tantummodo causa, non ad epulas conuenirent; quasi ministros ergo sacri custodes uocari.*
111. The persistence of the role of the Pinarii in the cult in the late Republic is not uncontroversial but is probable (see Momigliano [1958] 73): we know of a Pinarius Natta as a priest in the late Republic who presided over Clodius's dedication of the house of Cicero (*De Dom. Sua* 118); the aristocratic *gens Pinaria* certainly survived until at least the Trajanic period; it is implied that it was the case even in late antiquity by Prudentius c. *Symm.* 1.120 (*nunc . . . domus Pinaria templum . . . frequentat*) and the *Origo Gentis Romanae* 8.2 (*unde hodieque servatur*), though the word *hodie* in the *Origo* may refer to the Augustan-period source of this text. Cf. Wissowa (1912) 244–245, Bayet (1926) *passim* and Prescendi (2007) 137.
112. Livy 9.29.9–11. Cf. Servius ad A. 8.269.
113. See Bremer (1896) 2 (pt.1). 5–9 for the fragments.
114. Cic. *De Leg.* 1.14.
115. *De Leg.* 2.18: *Sunt certa legum uerba, Quinte, neque ita prisca ut in ueteribus XII sacraeque legibus, et tamen, quo plus auctoritatis habeant, paulo antiquiora quam hic sermo est. Eum morem igitur cum breuitate, si potuero, consequar.* See Dyck (2004) ad loc.
116. Cicero advertises his use of the jurisprudential commentators on the Twelve Tables at *De Leg.* 2.59. There are signs of engagement with earlier jurisprudential writers on religion: see *De Leg.* 2.32; for signs of engagement with writers on augury see Claudius Marcellus and Appian Claudius (cf. Rüpke [2012b] 191).
117. For scholarly responses to the *De Legibus* in general, see the bibliography in Rawson (1991), Dyck (2004), and Fontanella (2012). The most prominent recent uses of the *On the Laws* as a store of information on Roman religion are Linderski (1986) and Johnson (2007). For the unreliability of the *On the Laws* as a source, see Beard, North, and Price (1998) 2.353; for Ciceronian solipsism in the formulation of his religious laws, see Rawson (1991) 137–141 and Dyck (2004) 14–15; and for a contextualized reading of Cicero's objectives in composing the laws *de religione*, see Fontanella (2012) 19–78.
118. *De Leg.* 2.23.

119. Cf. Rüpke (2012b) 187–192. My placement of *De Legibus* 2 in a jurisprudential context differs from Rüpke, who focuses on the similarity to second-century legislation on religion (e.g., the *leges Aelia et Fufia* and the *lex Papiria*) and the philosophical context of Cicero's work.
120. For the language of the laws, see Wilhelms (1943) and Powell (2005); for justification in terms of the *mos maiorum*, see *De Leg.* 2.23.
121. D. 1.2.2.2; Dion. Hal. *Ant. Rom.* 3.36. The “royal laws” are collected by *FIRA*⁶ 1–15. The “Sextus Papirius” mentioned by Pomponius has sometimes been erroneously identified with a late Republican jurist, for example by Bremer (1896) 1.132–133; for a correction, see Kunkel (1967) 22.
122. Servius *ad A.* 12.836. Cf. Mommsen (1887) 2.43 n. 3 and Di Paola (1948).
123. Cicero *ad fam.* 9.21. This letter is impossible to date precisely; an apparent reference to law-court speeches might indicate a date before the civil war. See Shackleton Bailey (1977) 2.326.
124. For the debate, see Mommsen (1887) 2.41–44; Wissowa (1912) 514; Hirschfeld (1913) 239–245; Steinwenter in *RE* 20.1285 s.v. *Ius Papirianum*; Carcopino (1937); Magdelain (1986) 320; and Wieacker (1988) 308–309. Bujuklic (1998) is an unconvincing recent attempt to defend the authenticity of the “royal laws” and the antiquity of the *Papirian Law*.
125. Schulz (1946) 89 makes this point. Carcopino (1937) points to evidence that “laws of Numa” were in circulation before Granius Flaccus but is too quick to see these laws as Pythagorean “reforms.”
126. The law is quoted by Paulus 248 L: *paelex aram Iunonis ne tangito; si tanget Iunoni crinibus demissis agnum feminam caedito*. Aulus Gellius *NA* 4.3.3 quotes the same law, but specifies *aedem* in place of *aram*.
127. Granius Flaccus fr. I. 1 (Bremer)=Macrob. *Sat.* 3.11.5. For other religious laws of Numa, see Festus 204 L (on *spolia opima*), Pliny *N.H.* 14.88 (regulation of wine for libation), *N.H.* 18.7 (burning of *far* offering), and *N.H.* 32.20 (no sacrificial fish without scales).
128. Scheid (2006) and Prescendi (2007) simply label these works on *ius pontificium* and *ius augurale* as “antiquarian,” not marking any difference between the work of writers like Varro or Aelius Stilo and the jurisprudential writers.
129. See Butler (2002) for a (partial) history of the book in the late Republic, and Gibson and Kraus (2002) for commentaries, ancient and modern.
130. Cicero *De Orat.* 2.12.52–53; Servius *auct. ad A.* 1.373 (=FRHist *Annales Maximi* T 2 and 3). For the *Regia* as the location of the boards, see Bucher (1995) 36–40. For my present discussion, I set aside the inscrutable relationship between the priestly *commentarii* and the literary annalistic tradition; on this topic, see Rawson (1971); Frier (1979) 69–81, 255–284 and *passim*; Forsythe (1994) 53–73; Rich (2011a); Oakley (1997) 24–26; Cornell et al. (2013) 1.156–158 [John Rich].
131. Scheid (1998b). Rodriguez-Mayorgas (2011) makes a similar argument, emphasizing the religious function of the chronicle and suggesting that it was a record of all the ritual acts of the *pontifices*, including expiations.

132. Cato *Origines* FRHist 5 F 80; Cicero *De Orat.* 2.12.52–53 (=FRHist *Annales Maximi* T 1 and 2).
133. Frier (1979). The following paragraph follows his elegant solution to the problems of the *Annales Maximi*. Frier supplies earlier bibliography and a summary of earlier scholarship. For other more recent views, see Bauman (1983) 290–296, Drews (1988), Bucher (1995), Rüpke (2008) 24–38, Forsythe (1994) 53–73, and Cornell et al. (2013) 1.151–156 [John Rich]. My argument here would only be slightly changed if editorship were ascribed to P. Mucius Scaevola; it would simply place this particular episode of textualization in an earlier context, roughly congruent with the work of Ser. Fabius Pictor and Aelius Stilo.
134. On the name of the original chronicle and the eighty-book edition, see Frier (1979) 46–48. The Ciceronian names for the chronicle come from *Rep.* 2.28; *De Dom.* 80; *Leg.* 1.6; *De Orat.* 2.52 and *Rep.* 1.25.
135. For the material reality of Alexandrian book divisions, see the detailed study by Schironi (2010), esp. 76–84. Genette (1997) is a key theoretical narratological discussion of paratext. In Genette’s definition, paratext is “a certain number of verbal or other productions, such as an author’s name, a title, a preface, illustrations . . . they surround [the text] and extend it, precisely in order to *present it*” (Genette [1997] 1, his emphasis).
136. Varro *De L. L.* 7.3: *initium Saliorum, quo Romanorum prima verba poetica dicunt Latina*.
137. The clearest summary of our knowledge is Wissowa (1912) 555–559. The most recent reconstruction of the Salian ritual by Habinek (2005) 8–33 is extremely problematic; see the review by Feeney and Katz (2006).
138. Cf. the use of *libelli* in the ritual of the Arval Brethren: Scheid (1998c) n. 100a (218 CE) lines 31–32: *ibi sacerdotes/ . . . libellis acceptis carmen descendentes tripodaverunt in verba haec*, etc.
139. *FPL* frs.1–21. Radke (1981) 115–123 attempts to reconstruct and read the extant fragments, but much about this song remains inexplicable.
140. This is suggested by the three remaining fragments of the *Explanationes Carminum Saliorum* (*GRF* fr. 1–3) (explanations for the words *manuos*, *molucrum* and *pescia*) and the testimony of Varro *De L. L.* 7.2: *Aelii hominis in primo in litteris Latinis exercitati interpretationem Carminum Saliorum videbis et exili littera expedita<m> et praeterita obscura multa*. A possible additional fragment is *GRF* fr. 38=Festus 492L on *tanne*. Note that the ancient testimonies alternate between singular *carmen* and plural *carmina* for this hymn.
141. For the form of ancient commentaries, see Dickey (2007) 11–12. For the evidence that Aelius Stilo was *au fait* with the Alexandrian critical toolbox, see Kaster (1995) 78. Note especially that the *fragmentum Parisinum de notis* (*GL* 7.533–536 Keil) probably gives him credit for importing the Aristarchan critical marks (the obelus, the asterisk, etc.) to Roman literary life (though the manuscript requires some correction at the key point; see Keil’s apparatus).

142. Radke (1981) 122–123. Another civil theologian to cite the *Carmen Saliare* was Nigidius Figulus (fr. 9 Swoboda), who is also a plausible reader for Aelius Stilo's commentary.
143. For the edition and translation of the Derveni papyrus, see Kouremenos, Parassoglou, and Tsantsanoglou (2006). For most of the text, Orpheus's actual words or supposed meaning is referred to by words such as φησί, "he says," or σημαίνει, "he means," but in two cases the subject is made explicit: Col. xviii.2–3: τοῦτ' οὖν τὸ "πνεῦμα" Ὀρφεὺς ὠνόμασεν "Μοῖραν"; Col. xviii.6–7: Ὀρφεὺς γὰρ τὴν φρόνησιν "Μοῖραν" ἐκάλεσεν. On the naming of Orpheus as author of the hymn in the commentary, see Funghi (1997) 27.
144. Terent. Scaur. GL 7.28 Keil: *quoniam antiqui pro hoc adverbio cume [mss: cuine] dicebant, ut Numa in Saliari carmine:*

† cuine ponas Leucesiae praetexere monti
quot ibet etinei de is cum tonarem.

This mode of citation is also used for two historical authors, Virgil and Lucilius, in *On Orthography*. Terentius Scaurus's work on orthography is generally believed to be based on Varro (see Keil's introduction to the text in GL and Schmidt in HLL 4.433 B) and Varro was certainly a reader of Stilo on the Salian Hymn.

145. This contact has been one of the major subjects of Roman cultural history in the last forty years. The following works are significant interventions in the debate that also provide further bibliography: Zanker (1976), Jocelyn (1977), Rawson (1985), Ferrary (1988), Gruen (1990), (1992), and Wallace-Hadrill (1998), (2008). The Republican reception of Greek philosophy has also become particularly important to students of Hellenistic philosophy, who rely on Roman texts to reconstruct Greek thought, for which see the essays in Griffin and Barnes (1989) and Barnes and Griffin (1997); see also Striker (1995).
146. Hor Ep. 2.1.156–7: *Graecia capta ferum victorem cepit et artis/intulit agresti Latio*.
147. For Hellenistic theology and the limits of its engagement with lived religion, see Mansfeld (1999), and Algra (2007) and (2009). For Greek philosophy and religion as a whole, see the overview by Mikalson (2010); note also Van Nuffelen (2011) for our period.
148. For the arrival of Alexandrian scholarship in Rome and its consequences for the formation of a Latin literature, see Welsh (2011).
149. On this tendency, see, for example, Blank (2012) on Varro's adaptation of Antiochus's Middle Platonism to Rome.
150. Tresp (1914) is an old collection of the fragments. R. Parker (1996) 53 suggests the marginal significance of the Athenian *Exegetika*. Our knowledge of these texts is dependent almost entirely on the fruits of Imperial and Byzantine Attico-mania (Athenaeus, Harpocration, and the Suida). See Henrichs (2003b) for a general sketch of the place of writing in religion in archaic and classical Greece.

151. Varro *ARD* fr. 56a=Lactant. *Div. Inst.* 1.6.12: *octavam [Sibyllam] Hellespontiam in agro Troiano natam, vico Marmesso circa oppidum Gergithium, quam scribat Heraclides Ponticus Solonis et Cyri fuisse temporibus*. Note Horsfall (1979), who is sceptical that Varro had direct knowledge of Heraclides. Tresp (1914) 38 sees a citation of these Greek works at *De L. L.* 5.97, but it is unclear what *libri sacri* Varro is referring to in this passage.
152. Schiavone (2012). Note, however, the caution of Frier (1985) 193–194 that writers on civil law generally avoided totalizing systematization even as they produced the literature of “autonomous law.”
153. For “invention of law,” see the title of Schiavone (2012). Mucius Scaevola may deserve credit for the formulation of a civil theology to parallel civil law, if the testimony of Augustine (*De Civ. D.* 4.27) refers to his own words and not his role as a character in a dialogue by Varro; see Cardauns (1960). On Mucius Scaevola and the idea of civil theology, see recently Schiavone (2012) 226–244 and North (2014a), with references to earlier literature.
154. On the debt of Roman jurisprudence to Hellenistic thought and literature, see Schulz (1946) 60–86. See also now Ando (2011) on the effect of imperial expansion on the development of Roman jurisprudence.

3. *Letters of the Republic*

1. *Inscr. Ital.* 13.1 p. 50–51 (Degrassi).
2. The key *testimonium* is Cic. *De Nat. D.* 2.11: *post autem e provincia litteras ad collegium misit, se cum legeret libros recordatum esse vitio sibi tabernaculum captum fuisse hortos Scipionis, quod, cum pomerium postea intrasset habendi senatus causa, in redeundo cum idem pomerium transiret auspicari esset oblitus; itaque vitio creatos consules esse*. See Pease (1955) 2.573 for all the relevant ancient passages. For discussion of the technicalities, see Linderski (1986) 2160–2161 and Rüpke (1990) 32–33.
3. See Scullard (1973) 226–227 for the cynical view; North (1967) 411–419 points to the evidence for Gracchus’s sincerity.
4. For the nature of the *libri*, see Regell (1878) 11 n. 2 and Rüpke (1990) 33, who take the position that this was learned literature. The phrasing of Valerius Maximus 1.1.3 (*libros ad sacra populi pertinentes*) is also suggestive, though Valerius may not be independent from Cicero as a source. The second-century dates for the work of Fabius Pictor and Sempronius Tuditanus suggest the possibility. The lack of firm identification of the books does leave open the possibility that Sempronius Gracchus took archival documents to Sardinia with him. There is little terminological consistency to references to both the augural records and books written about augury (*libri*, *monumenta*, and *commentarii* are all used). Linderski (1985) is the most useful guide; see also Linderski (1986) 2241–2256 for an extremely thorough bibliography, as well as Scheid (1994) and North (1998).

5. Varro *ARD* fr. 2 (Cardauns) = August. *De Civ. D.* 6.2: [sc. *dicit*] *se timere ne pereant [sc. dei] non incursu hostili, sed civium negligentia, de qua illos velut ruina liberari a se in memoria bonorum per eius modi libros recondi atque servari utiliore cura, quam Metellus de incendio sacra Vestalia et Aeneas de Troiano excidio penates liberasse praedicatur.*
6. For the details of L. Caecilius Metellus's career, see Rüpke (2008) 579–580. The story about Metellus is used in a speech by Cicero (*Scaur.* 48), perhaps indicating wide social knowledge of this event.
7. This use of *boni* invokes the political language of the period. On the semantics of the term and its significance for Varro's construction of audience, see below in this chapter.
8. See, for example, the relationship between priests and theologians assumed by the *Princeton Review* website (a career website for American students) for the career of "theologian": <http://bit.ly/KFzJy2>.
9. For a high medieval formulation of the importance of the Church for authority of theologians, see Thomas Aquinas *Quodlibetal Questions* 4.2, quoted by McGinn (1999).
10. Woolf (2012) 204 has recently argued that there was no similarity in the kinds of authority that texts on religion could have and the authority of priests. As we shall see below, I cannot agree with this straightforward division of authority.
11. Wallace-Hadrill (2008) 236: "Antiquarian research undermined both the claim of the self-constructed nobility to define true Roman ways (and hence identity), but even, devastatingly, their claim to know their own *maiores*." It constituted, as he puts it elsewhere, "a shift in the control of knowledge from social leaders to academic experts": Wallace-Hadrill (1997) 12. It is not difficult to discern Syme's "Roman Revolution" still turning under the surface. Rüpke (2012b) 150–151 broadly supports this model.
12. This understanding of Roman republican "political culture" as based on a profoundly competitive aristocracy (not in the classic schema of parties or *factiones* but on an individual level) is prominent in recent German historical scholarship, particularly the work by Karl-Joachim Hölkeskamp. See Hölkeskamp (1993) and (2010). See also Wiseman (1985) and Rosenstein (2006). My central adjustment to these treatments is to point to the extent to which the *mos maiorum*, especially as it touched on religious practice, far from being the regulatory system behind this competitive system, was itself a central subject of competition. Cf. Hölkeskamp (2010) 12–22.
13. The social structure of the Roman aristocracy is a classic topic in the historiography on the Roman Republic: see Hölkeskamp (2010). The study by Gelzer (1912) opened the question. Brunt (1982) emphasizes the slippery nature of *nobilis* and *novus* as social categories, though note the significant corrective given by Shackleton Bailey (1986). For the role of priesthoods in the Roman aristocracy in Rome, see Rüpke (2011b).

14. For membership of priesthoods and biographical details, the following section is reliant on the prosopographical work on Roman priests by Jörg Rüpke, now published in German and English as Rüpke (2005b) and (2008).
15. For this figure, probably the Ser. Fabius Pictor mentioned by Cicero as “learned in law, language and antiquity”: Cic. *Brut.* 81, with Douglas (1966) ad loc. This Ciceronian passage also indicates a mid-second century date. For biography, see Rüpke (2005b) 973–974. The key work in the identification of this Fabius Pictor is Münzer in *RE* 1.12 1842–1844 s.v. “Fabius (128) Pictor.” There has also been debate over whether he was the source of Latin annals attributed to “Fabius Pictor.”
16. For the fragments, see Bremer (1896) 1.9–12 (where they are erroneously assigned to Q. Fabius Pictor, the historian).
17. The *augures populi Romani qui libros de auspiciis scripserunt* at Aulus Gellius *NA* 13.14.1 are either to be identified with these writers or represent still other author-colleagues. I discussed the work of Appius Claudius Pulcher and Messalla Rufus in the previous chapter. For C. Claudius Marcellus, Lucius Julius Caesar, and P. Servilius Vatia (see Rüpke [2008] 615, 741 and 891), see the testimony of Cicero *De Leg.* 2.32 (for Marcellus), Macrobius *Sat.* 1.16.29 (for L. Caesar), and Festus 476 L (for Servilius, on the authority of Ateius Capito). Beyond this, Lucius Caesar appears to have been a major source for the *Origo Gentis Romanae*; see Cornell et al. (2013) 1.641 [Tim Cornell].
18. The fragment is Aulus Gellius *NA* 13.15.1–4=M. Valerius Messalla fr. 1 (Bremer)=C. Sempronius Tuditanus fr. 2 (Bremer). For Tuditanus’s role in writing on Roman religion and the (admittedly slim) possibility that he was an augur, see Rüpke (2012b) 113–114 and 125.
19. *De Leg.* 2.31, *De Nat. D.* 3.5, *De Div.* 1.3.
20. Cicero *De Leg.* 2.32 (on the dispute between Appius Claudius and Claudius Marcellus) is the clearest testimony of this competitive dynamic and its public nature. This is also a likely context for Cicero’s assertion (*De Div.* 2.70) that contemporary augurs were not the equals of their predecessors. In the case of augury, these books are an extension of the competition over divination for the Roman aristocracy: see Rosenberger (2007).
21. The fragments of works by these writers are frequently framed in terms of *ius*, but the style is consonant with the discourse as a whole and non-priests, like Veranius, also used this jurisprudential rhetoric. Consideration of origins is prominent, and the use of etymology and ethnographic rhetoric can also be found.
22. See the collection of ritual faults by *flamines* at Val. Max. 1.1.4 and the conflict between P. Licinius Crassus Dives Mucianus (the *pontifex maximus*) and L. Valerius Flaccus (*flamen Martialis*) mentioned by Cicero *Phil.* 11.18. For a discussion of these incidents, see Rüpke (2012a).
23. For Caesar and Bibulus, see Beard, North, and Price (1998) 1.126–129.

24. Nicolet (1966–1974) 765–766 provides a careful account of Stilo's social situation. The profession of *praeco* was, apparently, socially ambiguous: see the discussion in Nicolet (1966–1974) 906.
25. For ignorant priests, see Quintil. *Inst.* 1.6.40: *Saliorum carmina vix sacerdotibus suis satis intellecta*; also implied by Hor. *Epist.* 2.1.86–87.
26. Cic. *De Orat.* 3.43 and *Brut.* 169.
27. Cic. *Brut.* 205. For the connotation of *honestus*, see TLL s.v. *honestus* vi. 2902.29–2902.74 (Kroeker). Cicero frequently pairs *honestus* with *nobilis* (six times in extant works). Also see Krostenko (2001) 32–33 and 42 n. 73 for the social significance of the term and Setaioli (2008) for the ethical/philosophical usage. We know that Stilo was close to the notorious snob Q. Caecilius Metellus Numidicus.
28. Plutarch's story of Pompey (*Pomp.* 10) having a learned conversation with Valerius Soranus before killing him demonstrates how Valerius Soranus's *dignitas* was tied to his learning, but this was not enough to save his life.
29. Soranus's biography: Cichorius (1906) and Wiseman (1971) 269.
30. See Nicolet (1966–1974) 903–907 for Granius's potential milieu and Syme (1939) 90–91 for their Caesarian political leanings. The reputation of the family centered around stories of a second-century *praeco*, Q. Granius, who was something of a wit.
31. On the Veranii, see Syme (1957). If the identification of the civil theologian with the Catullan Veranius is accepted, we have evidence that he did provincial service in Spain and Macedonia, perhaps evidence for an aborted senatorial career.
32. Syme (1957) 123 n. 3 for the suggestion that Veranius the author may be responsible for naming one of the first Vestals "Verania" (Plut. *Numa* 10, where the transmitted text reads *Verēnia*, an unattested *gentilicum*). For a nuanced view of the significance of claims of famous and remote ancestors in aristocratic competition, see Hölkeskamp (2004) 199–217.
33. Cichorius (1922) and Arkenberg (1993) covers the family history and social position of Varro. Wiseman (2009) 107–151 is a recent account of Varro as an engagé member of the political elite. *Per litteras* Professor Wiseman provided useful clarification of Varro's social position, on which I have depended in this paragraph.
34. Cichorius (1922) 197–200 thought that Varro must have been a *quindecimvir*, but Rüpke (2008) 916 points out the lack of evidence for priestly office.
35. Aside from the compliments to Varro in the preface of the *Academica*, discussed at the start of this chapter, note Cicero's depiction of him as a scholar in the service of the state in *Philippics* 2.105, which ties Varro's intellectual activities to his *dignitas*. Fantham (2003) sees Varro's scholarship as a tool for political survival.
36. Biography: Della Casa (1962) 9–36, though cf. Thesleff (1965). It is possible that he was a new man—see Wiseman (1971) 244—but his place in the aristocracy seems secure; see Harris (1971) 321.

37. These are the images of the social situation of learned writing on religion given by Wallace-Hadrill (2008) 248 and Rawson (1985) 93, respectively. Note Beard, North, and Price (1998) 1.153 for an assumption that priestly writing is “within” religion, but non-priestly writing was from “outside” the religion.
38. Tatum (2007) 116–117 makes a similar argument regarding the *Commentariolum Petitionis*, ascribed to Quintus Cicero, where the display of expertise is part of the self-fashioning of the elite author.
39. Cic. *Fam.* 3.4. For the context and some analysis of the relationship between Appius Claudius Pulcher and Cicero, see Muñiz Coello (2003). For analysis of *Ad Familiares* 3 specifically, see Schuricht (1994), which combines commentary with an analysis of the friendship between the two men.
40. Cic. *Fam.* 3.4: *quod egomet multis argumentis iam antea iudicaram maximeque illo libro augurali, quem ad me amantissime scriptum suavissimum misisti. mea in te omnia summa necessitudinis officia constabunt . . . collegique coniunctio praesertim tam honorifice a te approbata.* For the last phrase as referring to the dedication of the book, see Shackleton Bailey (1977) 1.363. For the significance of the *liber auguralis* for the friendship between Appius and Cicero, see Schuricht (1994) 152–154.
41. For the language of friendship among the elite, see Hellegouarc’h (1963) 152–185. Note the role that the correspondence with Appius plays in Brunt’s famous essay on late Republican *amicitia* (Brunt [1988] 356–357).
42. Frequently, it is easier to reconstruct later audiences. Contemporary audiences are much harder; an ancient library catalogue or personal reading list would allow a totally different analysis from that now possible. On the absence of a reading public, see Eich (2000).
43. Appius Claudius Pulcher and Claudius Marcellus: Cic. *De Leg.* 2.32 (cf. *De Div.* 2.75); Serv. Fabius Pictor, Valerius Soranus; Aelius Stilo: *Brut.* 81, 169, and 205.
44. Varro *De L. L.* 5.66 and *Curio* fr. 2 (Cardauns).
45. Aulus Gellius *NA* 13.15.1–4 = M. Valerius Messalla fr. 1 (Bremer) = C. Semonius Tuditanus fr. 2 (Bremer).
46. Nelles (1993) provides an overview of the literary-critical study of implied authors and readers, an important concern for contemporary narratology and reader-response theory.
47. Lact. *Inst.* 1.6.7: *M. Varro . . . in libris rerum divinarum, quos ad Gaium Caesarem pontificem maximum scripsit . . .*; August. *De Civ. D.* 7.35: *istos Varronis ad Caesarem pontificem scriptos atque editos . . .*
48. This autonomy is emphasized by Jocelyn (1982) 166–168, particularly regarding the dedication of this text, and Wiseman (2009) 107–129, in general. It has been suggested that this dedication to Caesar was a sign that the *Antiquities* were intended to be a manifesto for reform—see Weinstock (1971) 181 and Momigliano (1984) 204—but in the context of the

wider evidence for dedication of these texts, the *Antiquities* may not be so exceptional.

49. Censorinus DN 3.2: *Eundem esse genium et larem multi veteres memoriae prodiderunt, in quis etiam Granius Flaccus in libro, quem ad Caesarem de indigitamentis scriptum reliquit.*
50. For undermining institutional authority of priests, see Wallace-Hadrill (2008) 236.
51. Baraz (2012) 204–212 argues that the Ciceronian practice of dedication is politically engaged; I would broaden this model to the wider practice of dedication in the late Republic.
52. Cic. *Fam.* 3.9.3: *Et velim, reliquum quod est promissi ac muneris tui, mihi persolvas. cum ipsam cognitionem iuris auguri consequi cupio tum mehercule tuis incredibiliter studiis erga me muneribusque delector. quod autem a me tale quiddam desideras, sane mihi considerandum est quonam te remunerer potissimum genere;* 3.11.4: *nam auguralis libros ad commune utriusque nostrum otium serva. ego enim a te cum tua promissa per litteras flagitabam, ad urbem te otiosissimum esse arbitrabar. nunc tamen, ut ipse polliceris, pro auguralibus libris orationes tuas confectas omnis exspectabo.*
53. The relevant letters are Cic. *Att.* 13.13, 16, 19, 22, 24, 25, and 44. See Plasberg (1922), in the preface to his edition of the *Academic Books* and Griffin (1997) for a reconstruction of this drama in the context of the composition of the *Academic Books*. Rösch-Binde (1998) is a lengthy and thorough consideration of the relationship between Cicero and Varro and includes extensive analysis of the dedication of the *Academic books* (164–233; 350–377). Cf. Baraz (2012) 207–209.
54. Cic. *Att.* 13.22.1: *De Varrone non sine causa quid tibi placeat tam diligenter exquiri. occurrunt mihi quaedam. sed ea coram.*
55. Cic. *Att.* 13.25.3: *Sed quid est tandem quod perhorrescas quia tuo periculo iubeam libros dari Varroni? etiam nunc si dubitas, fac ut sciamus.* 13.44.2: *Tu tamen ausus es Varroni dare! exspecto quid iudicet. quando autem perleget?*
56. Cic. *Fam.* 9.8. For the relationship between this letter and the dedication of the text, see Rösch-Binde (1998) 361–377.
57. Stroup (2010). Stroup has a rather pacific view of this system, sidestepping the social realities of the late Republican elite (16–20). Like Tatum (2011), in his review of Stroup, I see isonomic textual exchange as working within the reciprocal and competitive world of Roman elite *amicitia*, as reconstructed by Brunt (1988) 351–381. Cf. Tatum (1997).
58. This conclusion can complicate Rüpke’s recent ([2011b] 29–30) demonstration that members of Roman priestly colleges were not “intellectual”: priests may not have always been the writers, but they were apparently appropriate dedicatees of these written works.
59. The context of preservation of these fragments is, as always, significant: Augustine wants to emphasize the importance of Varro’s work (his chosen interlocutor) (*De Civ. D.* 6.2) and to demonstrate that Varro’s claims were

- overstated and foolish (when contrasted with Christian truth) (*De Civ. D.* 4.22).
60. Varro *ARD* fr. 2 (Cardauns) = August. *De Civ. D.* 6.2: [sc. *dicit*] *se timere ne pereant* [sc. *dei*] *non incursu hostili, sed civium neglegentia, de qua illos velut ruina liberari a se in memoria bonorum per eius modi libros recondi atque servari utiliore cura, quam Metellus de incendio sacra Vestalia et Aeneas de Troiano excidio penates liberasse praedicitur.*
 61. Hellegouarc'h (1963) 490–493. Achard (1973) gives a more extensive overview of the Ciceronian usage.
 62. Cic. *Sest.* 140: *At vero ii qui senatus consilium, qui auctoritatem bonorum, qui instituta maiorum neglexerunt et imperitae aut concitatae multitudini iucundi esse voluerunt, omnes fere rei publicae poenas aut praesenti morte aut turpi exilio dependerunt.* Cf. *Sest.* 11 (*boni* sided with Cicero in 63), 21 (*boni* support the *nobilitas*), 98 (*cum dignitate otium* is the goal of *boni*), 100 (*boni* are slow to defend *res publica*), 103 (*boni* were opposed to C. Gracchus). For the importance of the *Pro Sestio* for the modern analysis of the language of Republican politics, see Robb (2010).
 63. [Sall.] *Epist. ad Caes. sen.* 2.8.7; C. Sempronius Gracchus fr. 17 (Malcovati): *pessimi Tiberium fratrem meum optimum interfecerunt.*
 64. Wiseman (2009) has raised the possibility of a *popularis* Varro, though it is hard to reconcile this position with his behavior in the civil war.
 65. Varro *ARD* fr. 9 (Cardauns) = August. *De Civ. D.* 6.5: *Tertium genus est . . . quod in urbis cives, maxime sacerdotes, nosse atque administrare debent.*
 66. Varro seems to have envisioned this extratextual life (*in urbis*) for civil theology, in implicit contrast with physical/philosophical theology, which *facilius intra parietes . . . quam extra in foro ferre possunt aures* (Varro *ARD* fr. 8 [Cardauns]).
 67. The following paragraph, which is a reductive version of a complicated historical narrative, is based on the following modern synthetic accounts: Nisbet (1939) vii–xxiii, Lenaghan (1969) 11–28, Mitchell (1991) 132–190, Tatum (1999b) 150–219, Marinone (2004) 104–114, and Lintott (2008) 175–211.
 68. For the choice of deity, see Allen (1944), Berg (1997), Tatum (1999b) 165, and A. Clark (2007) 209–212.
 69. Tatum (1993) and Stroh (2004) are invaluable.
 70. Cic. *Dom.* 127: *“Dedicatio magnam,” inquit* [sc. *Clodius*], *“habet religionem.”*
 71. On the separate nature of the ritual argument and the legal argument, note *Dom.* 128: *nec de pontificio sed de iure publico disputo.* Cicero clarifies the tripartite argument at *Dom.* 138: *Ac si, pontifices, neque is cui licuit, neque id quod fas fuit dedicavit, quid me attinet iam illud tertium quod proposueram docere, non iis institutis ac verbis quibus caerimoniae postulant dedicasse?*
 72. This relates to one of the most notorious and complicated episodes in late Republican politics: the dispute between Caesar and M. Bibulus, consular colleagues in 59. Bibulus had attempted to block all legislation on augural

grounds; the legislation went ahead anyway. One of these bills was the authorization for Clodius's transfer from the patriciate to plebeian status in order to become a *tribunus plebis*. If this legislation were not valid, Clodius's tribunician legislation would also not be legal, including Caesar's command in Gaul, Cato's mandate to annex Cyprus, and certain popular agrarian and frumentary measures. The bibliography on the issue of the legislation of 59, including the augural technicalities related to Bibulus's actions (the dreaded *leges Aelia et Fufia*) and Clodius's transfer to the plebs is vast: Tatum (1999b) is a very reliable guide, with references to earlier bibliography.

73. This view of the role of the pontifical college, as non-jurisdictional and as "experts," is widely accepted in modern scholarship; see Beard (1990), Riggsby (2002) 184–187, Santangelo (2011), and Rüpke (2011b).
74. As Lucullus declared in the Senate in the wake of the college's judgment about Cicero's house, the role of the *pontifices* was to advise about religious matters (*religio*); it was up to the Senate to decide the point of law (Cic. *Att.* 4.2.4).
75. *Dom.* 1: *Cum multa divinitus, pontifices, a maioribus nostris inventa atque instituta sunt, tum nihil praeclarius quam quod eosdem et religionibus deorum immortalium et summae rei publicae praeesse voluerunt, ut amplissimi et clarissimi cives rem publicam bene gerendo religiones, religiones sapienter interpretando rem publicam conservarent.* This is a very commonly cited passage in the study of Roman religion, but the specific context is frequently missed: Cicero is trying to deal with the problem of speaking to an expert audience and is seeking to flatter them. Cf. Gildenhard (2011) 306–311.
76. It is important to be clear that there is no evidence for a "real" set of secret pontifical books in Rome: as Scheid (1990a), (1994), and (2006) has repeatedly emphasized, the "pontifical books" are largely the technical literature that I have identified here as "civil theology." Rohde (1936) and North (1998) come to similar conclusions but still leave some room for a truly esoteric Roman pontifical literature.
77. *Dom.* 33: *Quid est enim aut tam adrogans quam de religione, de rebus divinis, caerimoniis, sacris pontificum collegium docere conari, aut tam stultum quam, si quis quid in vestris libris invenerit, id narrare vobis, aut tam curiosum quam ea scire velle de quibus maiores nostri vos solos et consuli et scire voluerunt?*
78. Linderski (1985). To briefly rehearse Linderski's argument, the case of C. Cassius would not have been found in any public records, and the accessible texts that seem to record these sorts of details are civil theological books. See, for example, the slightly later examples of Appius Claudius Pulcher, who records an augural *decretum* on the *tripudium*, and Ateius Capito fr. 10 (Strzelecki) recording a pontifical *decretum* of Tib. Coruncanus. See Scheid (1999b) for an example of the relationship between literary books and the priestly *responsa*. Cf. North (1998) 47–49 and Stroh (2004) 328, who take the denial of acquaintance with books too seriously.

79. Stroh (2004) 339–342 catches the same self-contradiction but misses the unusual nature of Cicero's audience and the broader problems of sources of expertise on Roman religion. Gildenhard (2011) 314–315 also notices the same doublespeak about the use of the books.
80. As Nisbet pointed out long ago, Cicero needed to attack the ritual action itself, just in case "a die-hard pontiff convince his colleagues that a consecration must always be valid, in spite of the *lex Papiria*" (Nisbet [1939] xxvi).
81. For the procedure of dedication and consecration, see Wissowa in *RE* 7.898–899 s.v. *Consecratio* and Nisbet (1939) 209–210.
82. Cic. *Dom.* 121.
83. Cic. *Dom.* 138.
84. Nisbet (1939) 170: "Cicero here dissembles his knowledge of pontifical lore, and of the details of a dedication."
85. *Dom.* 121: *Postem teneri in dedicatione oportere videor audisse templi; ibi enim postis est ubi templi aditus et valvae. Ambulationis postes nemo umquam tenuit in dedicando; Dom.* 138: *quid me attinet iam illud tertium quod proposueram docere, non iis institutis ac verbis quibus caerimoniae postulant dedicasse? Dom.* 140: *Delatum est ad vos, pontifices, et post omnium sermone celebratum, quem ad modum iste praeposteris verbis, ominibus obscenis, identidem se ipse revocans, dubitans, timens, haesitans omnia aliter ac vos in monumentis habetis et pronuntiarit et fecerit.*
86. North (1976).
87. Cic. *Dom.* 121.
88. Cic. *Dom.* 140.
89. Linderski (1985) 218.
90. Fabius Pictor fr. 1 (Bremer) = Aulus Gellius NA 1. 12. 14: *In libro primo Fabii Pictoris, quae verba pontificem maximum dicere oporteat, cum virginem capiat, scriptum est. ea verba haec sunt: "Sacerdotem Vestalem, quae sacra faciat, quae ius siet sacerdotem Vestalem facere pro populo Romano Quiritibus, uti quae optima lege fuit, ita te, Amata, capio."*
91. Cic. *Att.* 4.2.3: *Cum pontifices decressent ita, "si neque populi iussu neque plebis scitu is qui se dedicasse diceret nominatim ei rei praefectus esset neque populi iussu aut plebis scitu id facere iussus esset, videri posse sine religione eam partem areae mihi restitui."*
92. In some ways, my project here responds to the invitation in Feeney (1998) to examine the interrelationship between systematizing books on Roman religion and "the texts we call "literary" (11).
93. It has been a half century since critics abandoned the heavily biographical interpretation of Catullan poetry, which was also frequently absurdly psychological. For a positive and sober assessment of what we can know of Catullus's biography, see Wiseman (1979) 167–168. See now the sophisticated historicism that takes into account ideas of social performance and the influence on the poetry of contemporary discourses on gender

- and identity, such as Fitzgerald (1995), Wray (2001), Feldherr (2007), and Stroup (2010).
94. See Jocelyn (1982) on the chronology of Varro's literary activity. Whether we choose to follow Jocelyn's controversial date for the publication of the *Divine Antiquities* (early 50s) or not, Varro is likely to have already been writing on religious topics in the mid-50s. The *Curio* plausibly dates to 53. For the identification of Veranius, see Rawson (1985) 83.
 95. For the identification of Colonia with Verona, see Cenerini (1989).
 96. For interpretations of Catullus 17, see, especially, Kloss (1998), the most significant recent article (with a much more skeptical attitude toward the authorial persona than I would support); formalist readings are proposed by Rudd (1959) and Quinn (1969), and a Priapic reading is supported by Walsh (1985).
 97. Bahktin's concept of "the Menippean" provides a model for the satiric crossing of the serious discourse of civil theology with the sexual, physical humor of the depiction of the oblivious/impotent husband. In literary historical terms, this sort of dialogue between learned information and light poetry is also characteristic of the Alexandrian poetic tradition: Catullus's recondite geographic reference (*Liguri . . . securi*) and use of the Priapic meter point to an engagement with Alexandrian poetics. For Catullus's Alexandrian poetics in general, see Knox (2007), with further bibliography, and R. F. Thomas (1982).
 98. CIL 5.4492: a *Salus* from Verona; see CIL 5.1978, 2851 and 6431 for other Po valley *Salii*. For the constructed "Italian-ness" of poem 17, see Dench (2005) 341–342. Previous interpreters have taken the *rusticitas* ("hickiness"?) of this poem as an indicator of verisimilitude: see the "straight" readings by Fraenkel (1961) 51 and Fedeli (1991) of this poem as a description of a "folk" bridge ritual at Verona. The suggestion by Kloss (1998) 68 that Priapus is figured as the Salian god here is attractive; it would tie in with the late first-century interest in the identity of the deity worshipped by the Salian priests at Rome and Tibur; see Miller (2014).
 99. The Argei is a well-studied ritual, in part because it was the subject of debate among the civil theologians in antiquity. The ancient sources for the ritual are Varro *De L.L.* 7.44; Dion. Hal. *Ant. Rom.* 1.38; Ovid *Fasti* 5.621–634; Festus 450–452 L; and Plut. *Quaest. Rom.* 32 and 86. There has been much modern debate over the date, significance, and origin of the ritual: see Nagy (1985), Porte (1986), Radke (1990), Graf (2000), and Forsythe (2012) 40–48, all with references to earlier bibliography.
 100. Birt (1926), followed by Rankin (1968) and Cenerini (1989) (with nuance).
 101. The "dummy" interpretation of these lines is found in Rankin (1968).
 102. For a consideration of some Roman learned discussions of this ritual, see Storch Marino (1991/1994) and Prescendi (2007) 171–188. I am not,

- however, persuaded by these scholars' arguments for a narrow political connection between the literary accounts and the *senatus consultum* of 97 BCE that outlawed human sacrifice.
103. Varro *De L. L.* 7.44: *Argei ab Argis; Argei fiunt e scirpeis, simulacra hominum XXVII; ea quotannis de Ponte Sublicio a sacerdotibus publice deici solent in Tiberim.*
 104. For the first, see Varro *De L. L.* 5.45: *Argeos dictos putant a principibus, qui cum <H>ercule Argivo venerunt Romam et in Saturnia subsederunt* (cf. the very fragmentary text of Festus 450 L); for the second, see Dion. Hal. *Ant. Rom.* 1.38.
 105. Not all ancient authorities connected the proverb with the ritual. Some thought it related to the disenfranchisement of elders in certain elections: voting in Rome involved crossing *pontes* on the Campus Martius; see the opinion cited (*quidem putant*) in Varro *De Vita Populi Romani* fr. 71 (Riposati), Sennius Capito *apud* Festus 452 L, and Ovid *Fasti*: 5.633–634: *pars putat*. The true origin of this proverb is obscure, but Néraudau (1978) has suggested (perhaps not entirely convincingly) that the proverb originated with the second-century poet Afranius.
 106. Cic. *Pro Roscio* 100: *Habeo etiam dicere quem [Capito] contra morem maiorum minorem annis LX de ponte in Tiberim deiecerit*. The same idea is found in Ovid *Fasti* 5.623–624, where it is suggested as an impious imputation against the *maiores*.
 107. Festus 452 L: *Sunt, qui dicant, post Urbem a Gallis liberatam, ob inopiam cibatus, coeptos sexaginta annorum homines iaci in Tiberim, ex quo numero unus, filii pietate occultatus, saepe profuerit <pa>triae consilio, sub persona filii. Id ut sit cognitum, ei iuveni esse ignotum, et sexsagenaris vita concessa. Latebras autem eius, quibus arcuerit senem, id est cohibuerit et celaverit, sanctitate dignas esse visas, ideoque Arcaea appellata.*
 108. My thanks to Prof. Richard Tarrant for the point about the significance of the word *veternum* in this poem. Some philology: *veternum* means both “old age” and the “lethargy or lassitude associated with old age” (see Lewis and Short s.v. *veternus*). *Bimulus* is a rare word but is almost always used to precisely describe the age of a two-year-old child or animal: see *TLL* s.v. *bimulus* ii. 1991.30–1991.45 (Ihm). *Sexagenarius* and *bimulus* may be paired, then, as two specific and recondite terms for particular ages.
 109. Krostenko (2001), mainly a philological study, offers some extremely subtle ideas about the social positioning implied by Catullus's poetry between the established elite and new style values (see esp. 233–290).
 110. See Bourdieu (1991) for his concept of “fields” in relation to religion.
 111. Note, especially, the almost total absence of Catullus in the books by Rawson (1985) and Moatti (1997).
 112. North (2014b) 196 points out that the language used for Gallic ritual is shared with “late republican and early imperial antiquarians.” The Druids are no pontifical college, but Caesar does appear to borrow from the taxonomy of Varro's *Antiquities*: people (6.13–14: Druids), place (6.13: the *locus consecratus* in the center of Gaul), actions (6.16: sacrifices), gods (6.17: the

Gallic pantheon), and times (6.18: reckoning time by nights based on descent from Dis Pater). Setting aside the question of the reality or sources for this passage, as North (2014b) and Schadee (2008) 175–178 point out, the goal of the ethnographic digression is to present the Gauls as closer to the Romans than the unconquered Germans. The use of civil theology for the description of the Gauls may contribute to this goal.

113. Morstein-Marx (2009) analyzes Caesar as a “traditional” Roman aristocrat, especially at the outbreak of civil war in 49. Note also Zecchini (2001) on Caesar’s “traditionalism.” The literature on Caesar’s career is vast: Gelzer (1968) still provides a well-documented, if now dated, narrative; Tatum (2008) emphasizes Caesar’s embeddedness in Roman culture; the essays, on many topics related to Caesar’s career, in Griffin (2009) provide up-to-date overviews and recent bibliography.
114. On the controversial topic of Caesar’s policy as dictator, see Gelzer (1968) 272–322, Yavetz (1983), and Gardner (2009). Weinstock (1971) is vital on the religious elements of Caesar’s policy, though his overall argument about the direction of that policy, a total(itarian) ruler cult, cannot be sustained.

4. *Rabbis and Romans*

1. J. Z. Smith (1982) 53. See also the comments by Lincoln (2012) 100 on the dangers of wide-ranging comparison: “the books of Lévi-Strauss, Dumézil, and Eliade now sit beside those of Max Müller and Frazer as cautionary examples.”
2. J. Z. Smith (1990) 52. I have also been influenced by the “weak comparatism” advocated by Lincoln (2012), esp. 101.
3. J. Z. Smith (1990) 51. Cf. Urban (2000) 360–361.
4. See Heesterman (2005) on the Brahmanas and Arnal (2011) for the textual invention of “Christianity.”
5. For Second Temple Judaism, see especially Sanders (1992), who suggests that the sacrificial cult was at the center of a shared religious culture among Jews beyond sectarian division, and Schwartz (2001) 49–100.
6. The story of the emergence of the rabbinic group at Yavneh was subject to much later narrative elaboration in late rabbinic texts. Cohen (1984) maintains the real significance of the Yavneh moment; Boyarin (2004) 37–73 stresses the retrospective construction of that Yavneh.
7. According to noted Latinist John Henderson, “rabbinic textuality is utterly un-Western” (quoted by Schwartz [2010] 114). This is not to deny that rabbinic Judaism was profoundly engaged with Hellenistic culture and literature; see the classic work by Lieberman (1950) and more recent studies by Cohen (2001) and Boyarin (2007).
8. The Mishnah is cited in the form “*m. Berakhot* 2.1,” where *Berakhot* is the name of the tractate, and the numbers indicate the chapter and paragraph (*mishnah*). For quotations from the Mishnah, I have relied on the printed

text edited by Albeck (1952–1959), but I have compared this text with MS. Kaufmann A50 and have incorporated the manuscript readings wherever possible. On the priority of MS. Kaufmann and the details of Mishnah manuscripts, see Krupp (1987) and Strack and Stemberger (1991) 156–159. Translations are adapted from Danby (1933). In general, my account of the Mishnah is based on A. Goldberg (1987b), Strack and Stemberger (1991) 119–166, and Kraemer (2006).

9. On this absence, see Fraade (2011) 252–253 and Simon-Shoshan (2012) 92.
10. *m. Shabbat* 2.7.
11. *m. Berakhot* 8.7.
12. *m. Berakhot* 1.1:

מאימתי קורין את שמע בערבין? משעה שהכהנים נכנסין לאכול בתרומתן, עד סוף האשמורת הראשונה, דברי רבי אליעזר. וחכמים אומרים, עד חצות. רבן גמליאל אומר, עד שיעלה עמוד השחר. מעשה שבאו בניו מבית המשתה, ואמרו לו, לא קרינו את שמע. אמר להם, אם לא עלה עמוד השחר, חייבין (MS. Kaufmann): מותרין אתם לקרות. ולא זו בלבד, אלא כל מה שאמרו חכמים עד חצות, מצותן עד שיעלה עמוד השחר. הקטר חלבים ואברים (MS. Kaufmann add.): ואכילת פסחים), מצותן עד שיעלה עמוד השחר; כל הנאכלים ליום אחד, מצותן עד שיעלה עמוד השחר. אם כן, למה אמרו חכמים עד חצות? אלא להרחיק את האדם מן העבירה.
13. For a reconstruction of the practice of recitation of the *Shema* in the period of the Second Temple, see Cohen (1987) 66–70. Cf. Jacobs in *Encyclopedia Judaica* 18.453–456 s.v. *Shema, Reading of*.
14. This hermeneutic of suspicion toward the citation of named rabbis and stories about them is generally credited to Jacob Neusner. See Neusner (1983) 14–22. Neusner's work has been criticized for its lack of rigor (see, e.g., Cohen [1983]), but his hermeneutic of suspicion is still considered fundamental: see, for example, Boyarin (2004) 47–49 and Schwartz (2007) 85–87. Green (1978) first laid out the problems with attempting to reconstruct the life or thought of an individual rabbi.
15. The importance of the Temple for the Mishnah has been emphasized by Neusner (1981). For the markedness of the reference to Temple time in *m. Berakhot* 1.1 vis-à-vis other rabbinic texts on the evening *Shema*, see Perkins (1994).
16. On the Hebrew of the Mishnah, see Segal (1927) and Pérez Fernández (1999), both marking differences between mishnaic and biblical dialects. For the place of Hebrew in the wider linguistic landscape of Palestine in this period, see Mor (2011) and Schwartz (1995).
17. For this project, see Jaffee (2001) 126–152.
18. Overviews of the Talmudim can be found in Strack and Stemberger (1991) 164–224 and in A. Goldberg (1987a) and (1987c).
19. This understanding both follows the skepticism of Jacob Neusner and responds to his views: see Neusner (1981) and (2002) for representative samples of his approach. See Tropper (2004), a detailed study of the redaction of a single tractate, *Avot*, and Walfish (2006), a recent proponent of the

- strong redactor—his essay offers a *précis* of his approach and sample readings. For alternative views, see Alexander (2008), a review of Walfish's (Hebrew-language) dissertation. Alexander herself questions the extent to which a redactor shaped the text (Alexander [2006]). For a discussion of the stakes in this debate, see Simon-Shoshan (2012) 95–129.
20. Strack and Stemberger (1991) 149–156; Tropper (2004) 102–107.
 21. This is something like the consensus position on the Homeric poems, espoused by scholars such as Martin West and Richard Janko; other scholars have different views of the formation and redaction/composition of the text: see Janko (1990).
 22. For *Middot* and rabbinic textualization, see Cohn (2013) 84–88.
 23. חכמים אומרים, ביהודה עושין מלאכה בערבי פסחים עד חצות, ובגליל אינן עושין כל עיקר (*m. Pesahim* 4.5, with MS. Kaufmann). Danby follows the printed text here, “In Judaea they used to do work . . .”; this historicizes the description in an unwarranted way.
 24. *m. Pesahim* 4.8.
 25. לא כתב לה דאם תשתביין, אפרוקניך ואתבניך לי לאנתו, ובכוהנת אהרניך למדינתך, חייב (*m. Ketubbot* 4.8).
 26. For the *ketubbah* on papyrus (Babatha's), P.Yadin 10, see Cotton (1998) and for some consideration of the relationship between *m. Ketubbot* and the papyrus version, see B. Levine (2004).
 27. For example, we can find in *m. Berakhot* 1.1 the use of a technical vocabulary of obligation and of permission. Other terms were also used to express these and similar concepts, such as prohibition.
 28. Simon-Shoshan (2012) 44.
 29. Nigidius Figulus fr. 77 (Swoboda)=Non. 211, 30 M: *Liba generis neutri . . . masculino Nigidius de diis: deinde surgat; faciat libos quattuor; et infra: libos duos ad dextram et duos laevorsus*.
 30. Pace Neusner's “documentary” approach, on which see Cohen (1983) and Fraade (2009). On the textualization of the Pentateuch in pre-exilic Israel, see Schniedewind (2004) 64–117.
 31. I am skirting here the very problematic question of what the Mishnah is: a law code, a teaching manual, a philosophy? See summaries of the options, with references to important previous statements of these theories, in Strack and Stemberger (1991), Elman (2004), and Kraemer (2006). Every option does entail some kind of textual systematization of Judaism.
 32. Jos. *Ant. Jud.* 4.197: σποράδην γὰρ ὑπ' ἐκείνου [Moses] κατελείφθη γραφέντα καὶ ὡς ἕκαστόν τι παρὰ τοῦ θεοῦ πύθοιτο. For the evidence for the original arrangement of the Mishnah into orders and tractates (*sedarim* and *masekhtot*), see Albeck (1971) 184–188.
 33. See my discussion in Chapter 2.
 34. I owe this point to Professor Shaye Cohen. See L. Levine (2005) 179–181, noting tannaitic disinterest and the increased rabbinic concern for the synagogue during the Amoraic period.

35. Compare Cohen (1999a) with Dench (2005) on the formation of Jewish and Roman identities, respectively. Importantly, neither were “religious identities”: see Mason (2007) and Schremer (2012).
36. See Chapter 1.
37. See Cohen (1984) and Goodman (1996). See Cohn (2014) for a case study that shows the Mishnaic extension of this orthopractic Israel to women’s clothing.
38. See Cohen (1999a) on the Mishnaic formulation of the matrilineal principle. The key Mishnaic texts are *m. Qiddushin* 3.12 and *m. Yevamot* 2.5 and 7.5.
39. See Rosen-Zvi and Ophir (2011) on the invention of the *goy*.
40. There is little concern in the Mishnah to provide a creed or explicit statements of correct belief. Even the one apparent exception, *m. Sanhedrin* 10.1, has been recently analyzed as an orthopractic norm; see Grossberg (2010).
41. See Boyarin (2004) 60–61; Fonrobert (2008).
42. משה קבל תורה מסיני, ומסרה ליהושע, ויהושע לזקנים, וזקנים לנביאים, ונביאים מסרוה לאנשי כנסת הגדולה. (*m. Avot* 1.1).
43. On this passage and the rest of *m. Avot* 1–2, see Bickerman (1952) and Tropper (2004). Note Boyarin (2003) on the significance of *Avot*’s chain of tradition for the construction of an authoritative rabbinic version of Judaism in the Mishnah. Stemberger (2005) has recently argued for a medieval post-Talmudic dating of *Avot*, including for this opening passage, but the importance of the patriarchal circle in the chain of tradition supports Tropper’s arguments that it was an integral part of the redacted Mishnah; cf. Schäfer (2008).
44. *m. Peah* 2.6, *m. Yadayim* 4.5, *m. Eduyot* 8.7. These chain-of-tradition passages are not to be confused with the full ideology of Oral Torah. Note, for example, Jaffee (2001) 80 and Cohen (2007) 122, who point to the rarity of these passages.
45. Recent work on several tractates of the Mishnah have questioned the historicity of the representation of the Temple and of rituals associated with the “court”: see Berkowitz (2006), Stökl Ben Ezra (2003), Rosen-Zvi (2012), and Cohn (2013).
46. See Gafni (2007) 302. See also Jaffee (1990) on Mishnaic *taqqanot* as a literary construction.
47. There has recently been a lively debate around the question of early rabbinic pluralism. The initial controversy was between Cohen (1984) and Boyarin (2004) 151–201 over the date of rabbinic pluralism (Tannaitic for Cohen, Stammaitic for Boyarin). Fraade (2007) and (2014) and Yadin-Israel (2014) continue the debate, with a focus on the extent to which Tannaitic texts explicitly thematize pluralism.
48. Halbertal (1997) 45.
49. *m. Parah* 3.5.

50. *m. Yoma* 5.1: “He went through the sanctuary until he came to the space between the two curtains separating the Sanctuary from the Holy of Holies. And there was a cubit’s space between them. R. Yose says there was only one curtain there, for it is written, *And the veil shall divide for you between the holy place and the most holy* [Ex. 26:33].” See Cohn (2013) 69–71.
51. *m. Eduyot* 1.5–6. My ellipse omits an affirmation, not significant to my purposes here, that one court needs to exceed the other court in *both* wisdom and number.
52. My reading of this passage is based on Kraemer (2006) 305–306. See also Jaffee (2001) 75.
53. I place the emphasis here on discursive authority rather than legal authority. The recording of the dispute about the previous performances of the red heifer ritual, for example, does not seem to be based on problems of legislative force (for what reason would a *beit din* rule on this?). Kraemer (2006) 312 points out that many disputes in the Mishnah end without clear resolution, which militates against the idea that the citation of multiple opinions produces clear legislation.
54. Macrobius *Saturnalia* 3.2.3.
55. M. Valerius Messalla fr. 1 (Bremer) = Aulus Gellius *NA* 13.15.1–4.
56. For this suggestion in relation to Verrius Flaccus’s *On the Signification of Words*, see Glinister (2007).
57. Varro *Curio* frs. II and V (Cardauns). See Schiavone (2012) 226–244 and North (2014a) on Mucius Scaevola’s idea of the tripartite theology and the likelihood that the *Curio* fragment preserves his view rather than Varro’s own.
58. Varro fr. 228 GRF: *sed Q. Valerium Soranum solitum dicere ait, quos thesauros Graeco nomine appellaremus, priscos Latinos flavisae dixisse.*
59. The opinions of Fulvius and Junius are given before Varro’s own etymology at *De L. L.* 6.33.
60. Censorinus 22.9–10, presumably reporting a fuller version of this debate from another text by Varro that is only summarized in the *On the Latin Language*.
61. Varro *ARD* fr. 89 (Cardauns) = Aulus Gellius *NA* 1.18.2: *In quo L. Aelius noster, litteris ornatissimus memoria nostra, erravit aliquoties. Nam aliquot verborum Graecorum antiquiorum, proinde atque essent propria nostra, reddidit causas falsas. Non enim leporem dicimus, ut ait, quod est levipes, sed quod est vocabulum anticum Graecum. Multa vetera illorum ignorantur, quod pro his aliis nunc vocabulis utuntur; et illorum esse plerique ignorent Graecum, quod nunc nominant Ἐλληνα, puteum, quod vocant φρέαρ, leporem, quod λαγῶν dicunt. In quo non modo L. Aelii ingenium non reprehendo, sed industriam laudo: successum enim <fert> fortuna, experientiam laus sequitur.* Note similar citation and publicized disagreements with Aelius Stilo over the identification of the goddess Panda (*de vita populi Romani* fr. 4 (Riposati) = Non. 44) and on the meaning of *Caelum* (*De L. L.* 5.18 = Aelius Stilo fr. 7 GRF).

62. Varro *De L. L.* 5.66. For the tendency of later authors to depend on Aelius Stilo for their understanding of the Salian Hymn, see Chapter 2.
63. Cited by Halbertal (1997) 46 and Fraade (2007) 20 n. 62.
64. Arnobius *Adv. Nat.* 3.38–39. See Champeaux (1994) for the relationship between Arnobius and civil theology in the third book of the *Adversus Nationes*.
65. For the derivation of these opinions on the *Novensiles* from Cornelius Labeo (third century CE), see Mastandrea (1979) 118–119. On the wider intellectual context of Arnobius's apology, see Simmons (1995) and North (2007a).
66. G. Parker (2008) 113–116 suggests something similar for the ethnographic discourse on India, where there is a similar tendency for the discourse to fragment and for citation to reinforce authority.
67. On this issue, see Rosen-Zvi (2012) 239–254.
68. *m. Yoma* 1.3–1.5.
69. Cohn (2013) 50–52.
70. Cohn (2013) 69–71. Schäfer (2008) and McClymond (2011) point to the wider phenomenon of Tannaitic assertion of textual control over priestly action; as McClymond puts it, the Mishnah effects “an axial shift from a priestly cultic matrix to a rabbinic-textual matrix” (246).
71. Fonrobert (2000) 113.
72. Simon-Shoshan (2012).
73. This minimalist position on rabbinic authority in the second and third centuries is the current scholarly orthodoxy in the United States; in Israeli scholarship, rabbinic authority is considered more likely. Goodman (1983) 93–118, Cohen (1981) and (1999b), Schwartz (2001) 103–176, and Lapin (2006) and (2012) are important studies of the social place of the rabbinic movement in second- and third-century Palestine.
74. Cic. *De Nat. D.* 3.5.
75. Cic. *De Leg.* 2.20.
76. *Per litteras*, Naftali Cohn raises a difficult question: is this an independent parallel or does it testify to some common influence or contact? I think this is an independent parallel arising from structural similarities in the intellectual projects. There is no positive evidence for any contact between Roman and rabbinic discourses on religion and little sign that the important Roman texts circulated widely in the East (Plutarch's familiarity with Varro and Verrius Flaccus may be an exception or perhaps mediated by another source, perhaps Juba).
77. See the important work by Rohde (1936) on pontifical knowledge in “antiquarians.”
78. On the writings of Appius Claudius Pulcher and Claudius Marcellus, see Cic. *De Leg.* 2.32 and *De Div.* 2.75. For Cicero's own *de auguriis*, see C. F. W. Müller (1898–1908) vol. 4.3 312. The *augures populi Romani qui libros de auspiciis scripserunt* at Aulus Gellius *NA* 13.14.1 are either to be identified with these writers or represent colleagues. I would suggest that the fragments of

- augural lore in later texts collected by Regell (1878) and (1893) probably ultimately stem from these works and others like them.
79. A certain Octavius Hirsennius, who can be plausibly dated from the late Republic, wrote a treatise *On the Salian rites of Tibur*, detailing the local Salian worship of Hercules on fixed days (Macrobius *Sat.* 3.12.7). For Octavius Hirsennius and his dating, see Bardon (1952–1956) 1.307 and C. J. Smith (2005).
 80. J. Z. Smith (1987) xiii.
 81. Jaffee (2001) provides an excellent account of this rabbinic ideology of orality and Oral Torah.
 82. See Berkowitz (2006) 71.
 83. See Satlow (2003) 206 n. 6. Add *b.Eruv.* 63b to Satlow's list.

5. Emperor as Reader

1. Varro *ARD* fr. 4 (Cardauns) = August. *De Civ. D.* 6.2: *dicat* (Varro) *se timere ne pereant* (sc. *dei*), *non incursu hostili, sed civium neglegentia* . . .
2. August. *De Civ. D.* 3.17: *nisi postea eodem modo neglecta atque usurpata latitarent, non utique magnae peritiae Varronis tribueretur, quod scribens de aedibus sacris tam multa ignorata commemorat* . . .
3. Varro *ARD* fr. 42 (Cardauns) = August. *De Civ. D.* 4.23: . . . *ut vix inveniatur qui Summani nomen, quod audire iam non potest, se saltem legisse meminerit; De L. L.* 6.19: *Furrinalia a Furrina, quod ei deae feriae publicae dies is, cuius deae honos apud antiquos; nam ei sacra instituta annua et flamen attributus; nunc vix nomen notum paucis.*
4. Cic. *De Leg.* 2.29: *Quod <ad> tempus ut sacrificiorum libamenta servantur fetusque pecorum quae dicta in lege sunt, diligenter habenda ratio intercalandi est, quod institutum perire a Numa posteriorum pontificum neglegentia dissolutum est.*
5. See Nisbet and Rudd (2004) 97–100 for the Augustan ideology of this poem and the problems of interpretation in terms of the Horatian corpus as a whole and the presumed chronology of the *Odes*.
6. The “Augustan religious restoration” has had a place in histories both of the Augustan principate and of Roman religion since the early nineteenth century. Scheid (1990b) 681–686 provides a learned and concise history of research on the “restoration.” Significant (earlier) discussions include Warde Fowler (1911) 428–451, Wissowa (1912) 73–78, Nock (1925), Latte (1960) 294–311, Liebeschuetz (1979) 56–90; recent work includes Beard, North, and Price (1998) 167–210, Scheid (1999a) and (2009), Orlin (2007), and Wardle (2011). Aleshire and Lambert (2011) and Spawforth (2012) 192–204 now argue that Augustus's revivalism also had an effect in contemporary Athens; Spawforth particularly emphasizes Augustus himself as a mediator for Roman “antiquarian” ideas.
7. *Res Gestae Divi Augusti* 20.4 (82 temples); 13 (Janus Quirinus); 22.2 (*Secular Games*). See Scheid (2007) for the text and commentary ad loc. This impe-

rial policy seems to have reached its intended audience: Livy, already in the 20s BCE, refers to Augustus as “founder and restorer of all temples” (4.20: *Augustum Caesarem, templorum omnium conditorem ac restitutorem*) and the Suetonian biography, reflecting imperial priorities, devotes a section to his role in the restoration of temples and cults as a significant part of the emperor’s achievement: *Aedes sacras uetustate conlapsas aut incendio absumptas refecit . . . nonnulla etiam ex antiquis caerimonis paulatim abolita restituit* (Aug. 30.2–31.4).

8. Just from the writings of Varro: on neglected temples, see August. *De Civ. D.* 3.17; on the ritual closing of the gates of Janus, see *De L. L.* 5.165; on the Secular Games, see below.
9. The question of influence of, say, Varro on Augustan actions is occasionally alluded to by historians—such as Liebeschuetz (1979) 62, North (1986) 254, and Scheid (2006) 33—but has never been fully articulated.
10. North (2014a) 245–244; I generally agree with North’s analysis of the aim of Varro’s *Antiquities*—our differences center on the success of that project.
11. I have generally avoided the language of “invention of tradition” (Hobsbawm and Ranger [1983]), but the role of civil theology here can be understood as the provider of material for this process of invention.
12. In terms of intellectual agenda, I would align my study with Noreña (2011), arguing for a history that looks to the monarchy as a key social fact in imperial history, and with Matthew Roller (2010) 245–246, who calls for diachronic studies in Roman cultural history.
13. This account of Octavian’s actions in 32 BCE is based on Cassius Dio 50.4.4, our only historical account: τοῖς μὲν γὰρ συνεξεταζομένοις οἱ τὴν τε ἄδειαν καὶ ἐπαίνους, ἂν ἐγκαταλείπωσιν αὐτόν, ἐψηφίσαντο, τῇ δὲ Κλεοπάτρᾳ τὸν πόλεμον ἄντικρυς ἐπήγγειλαν, καὶ τὰς τε χλαμύδας ὡς καὶ ἐν χερσὶν ὄντος αὐτοῦ μετημίσχοντο, καὶ πρὸς τὸ Ἐννεῖον ἐλθόντες πάντα τὰ προπολέμια κατὰ τὸ νομιζόμενον, διὰ τοῦ Καίσαρος ὡς καὶ φητιαλίου, ἐποίησαν· ἅπερ που λόγῳ μὲν πρὸς τὴν Κλεοπάτραν, ἔργῳ δὲ καὶ πρὸς τὸν Ἀντώνιον ἔτεινε. The details of the rite can be inferred from the generalized accounts of the “spear rite” in Livy 1.32, L. Cincius fr. 12 (Huschke)=Aulus Gellius NA 16.4.1, Servius *auctus Aen.* 9.52, and from the epitome of Dio’s account of the same ritual performed by Marcus Aurelius (72.33.3). The question of the bloodiness of the spear—described as *sanguineus* by Livy (1.32.12), which could mean “cornelwood,” and αἱματώδες in Dio (72.33.3); cf. Amm. Marc. 19.2.6—has been debated: see Ogilvie (1965) 135 and Rich (2011b) 207–208. For the Octavianic performance of the fetial spear ritual, see Wiedemann (1986), Reinhold (1988) 94, Rüpke (1990) 105–108 and (2004a) 31–32, Sumi (2005) 210–213, and Rich (2011b) 205.
14. The focus on Cleopatra and Egypt in Virgil’s Actium scene on the shield of Aeneas in *Aen.* 8.675–713 and in Hor. *Od.* 1.37 is representative. See also Kellum (2010) for some responses in visual arts to the Actium campaign as a campaign against Egypt.

15. According to Dio, the ritual of the spear throw at the temple of Bellona was customary (κατὰ τὸ νομιζόμενον). Likewise, a few years after the rite of 32, Ovid could write that the spear was regularly thrown at the *columna bellica* at the declaration of war (Ov. *Fas.* 6.207–208: *hinc solet hasta manu, belli praenuntia, mitti, / in regem et gentes cum placet arma capi*).
16. The history of the fetial priesthood has been at the center of an active debate in the last thirty years. There is a polarization between the “continuists,” who argue for the basic continuity of the priesthood and its role across the regal and republican period (see recently Zack [2007], Santangelo [2008], and Zollschan [2012]), and the “late revivalists,” who argue that the priesthood had some form of diminished role until the Mancinus affair in 136 BCE and Octavian’s revival in 32: see Rawson (1973) 166–168, Saulnier (1980), Wiedemann (1986), Rüpke (1990) 97–124, and Ando (2011) 37–63. A middle view, recently proposed by John Rich (2011b), esp. 232–235, is that the fetials in the mid- and late-Republic were passive “religious consultants” for the diplomatic and military actions.
17. Cic. *De Leg.* 2.21, 34. For the textual difficulties of the first passage, see Dyck (2004) ad loc. Cf. *De Off.* 1.34–40.
18. Varro *De L. L.* 5.86. The collection of names of priesthoods in this section of Varro’s work points toward a connection with his writings on Roman priesthoods in the *Divine Antiquities*; cf. Cardauns (1976) 161 for the problems of placing these priesthoods precisely within the structure of the *ARD*. See Dumézil (1956) for a more scientific etymology for *fetialis*.
19. Cicero gave the credit to the third king, Tullus Hostilius (Cic. *De Rep.* 2.31); Livy says that the practice was borrowed from the people called Aequicoli by Ancus Marcius (Livy 1.32; cf. *InscrIt* 13.3.66) and Dionysius of Halicarnassus says that it was established when Numa wanted to negotiate with the Fidenates (Dion. Hal. *Ant. Rom.* 2.72).
20. Livy 1.32.
21. Dion. Hal. *Ant. Rom.* 2.72 makes no mention of the spear throw as part of fetial ritual. Rich (2011b) 202 convincingly suggests that Livy relies on two separate sources for his archaic fetial rite—one in common with Dionysius does not include the spear rite and the other, probably Cincius, for the spear rite. The Byzantine writer John Tzetzes provides a fragment of Diodorus Siculus, writing in the mid-first century, on the spear rite: Diodorus 8.26 (=Tzetzes *Chil.* 5.555–60): Τὸ πρότερον τὸ γένος τῶν Ῥωμαίων τῶν Λατίνων/ οὐχὶ συνῆπτε πόλεμον ἀκηρυκτεῖ πρὸς ἔθνος./ ἀλλὰ τῇ χώρᾳ πρότερον ἔθνοὺς τοῦ πολέμου/ δόρυ σημεῖον ἔρριπτεν, ἔχθρας ἀρχὴν σημαῖνον./ ἔπειτα δὲ κατήρχετο πολέμου πρὸς τὸ ἔθνος./ τοῦτό φησι Διόδωρος, πᾶς τε Λατῖνα γράφων. See Zack (2007) 38–39. Tzetzes’s authority, however, is not unimpeachable.
22. L. Cincius fr. 12 (Huschke) = Aulus Gellius *NA* 16.4.1: *Cincius in libro tertio de re militari fetialem populi Romani bellum indicentem hostibus telumque in agrum eorum iacientem hisce uerbis uti scripsit: “Quod populus Hermundulus hominesque*

populi Hermunduli aduersus populum Romanum bellum fecere deliqueruntque quodque populus Romanus cum populo Hermundulo bellum iussit, ob eam rem ego populusque Romanus populo Hermundulo hominibusque Hermundulis bellum dico facioque." See Rich (2011b) 205 n. 80 on the identity of the Hermunduli.

23. On the relationship between text and ritual in Octavian's performance of the spear rite, my conclusions are similar to those of Rüpke (2004) 30–32, with the significant difference that I suggest that Octavian is responding to texts and the texts are not solely retroactive justifications for the rite of 32.
24. Suet. *Claud.* 25.5: *cum regibus foedus in foro icit porca caesa ac uetere fetialium praefatione adhibita*; Joseph. *AJ* 19.275: ὄρκιά τε αὐτῷ τέμνεται πρὸς τὸν Ἀγρίππαν ἐπὶ τῆς ἀγορᾶς μέσης ἐν τῇ Ῥωμαίων πόλει.
25. Livy includes this kind of fetial treaty-making oath at *AUC* 1.24.4–9, probably taken from a civil-theological source, though we cannot rule out Livy as the immediate source for the Claudian *vetus praefatio* (Livy famously encouraged the young Claudius's historiographical interests; Suet. *Claud.* 40.3).
26. ILS 5004=CIL 10.797: *Sp(urius) Turranius L(uci) f(ilius) Sp(uri) n(epos) L(uci) pron(epos) Fab(ia) Proculus Gellianus, praef(ectus) fabr(um) II, praif(ectus) curatorum alvei Tiberis, praif(ectus) pro pr(aetore) i(ure) d(icundo) in urbe Lavinio, pater patratus populi Laurentis foederis ex libris Sibullinis percutiendi cum p(opulo) R(omano), sacrorum principiorum p(opuli) R(omani) Quirit(ium) nominisque Latini quai apud Laurentis coluntur flam(en) Dialis, flam(en) Martial(is), salius praisul, augur, pont(ifex), praif(ectus) cohort(is) Gaitul(orum), tr(ibunus) mil(itum) leg(ionis) X. loc(us) d(atus) d(ecreto) d(ecurionum).* For this inscription, see Saulnier (1984) and Cooley (2000), who note the archaeological and epigraphic evidence for a revival at Lavinium in the Claudian period. For the treaty, see Livy 8.11.15: *cum Laurentibus renouari foedus iussum renouaturque ex eo quotannis.* Pace Zollschan (2012) 124–125, the continuity of performance is highly suspect—as might be suggested by the mention of the Sibylline Books in the inscription.
27. Dio 72.33.3: ταῦτά τε εἰπόν, καὶ τὸ δόρυ τὸ αἵματῶδες παρὰ τῷ Ἐννείῳ ἐς τὸ πολέμιον δὴ χωρίον, ὥς γε καὶ τῶν συγγενομένων αὐτῷ ἤκουσα, ἀκοντίσας ἐξωρμήθη.
28. *Res Gestae Divi Augusti* 22.2: *Pro conlegio XVvirorum magister conlegii, collega M(arco) Agrippa, ludos saeculares, G(aio) Furnio G(aio) Silano co(n)s(ulibus), feci.* For discussion of the significance of the Augustan Secular Games, see Pighi (1965); Galinsky (1996) 100–106; Beard, North, and Price (1998) 201–206. On the problems of sources, see Scheid (2000).
29. The *Acta* of the Augustan Secular Games are exceptional documents; for the most up-to-date text, see Schnegg-Köhler (2002) 24–45. Cf. Zosimus 2.5. For the sake of brevity, I have simplified an extremely complex set of ritual performances. For the details see especially Scheid (2005) 97–110 and 306–314, as well as Schnegg-Köhler (2002), Lowrie (2009) 123–141, and R. F. Thomas (2011) 53–57.

30. The most subtle exploration of the situation of the *Secular Hymn* in its ritual context is Feeney (1998) 28–38. See also Fraenkel (1957) 364–382 for a brilliant account of the discovery of the *Acta* in 1890 and the effect of the discovery on the interpretation of the hymn.
31. Hor. CS 21–22: *certus undenos deciens per annos/ orbis ut cantus referatque ludos*. See R. F. Thomas (2011) ad loc. for the emphatic position of the word *certus* at the start of the stanza.
32. Varro *De L. L.* 6.11: *seclum spatium annorum centum vocarunt, dictum a sene, quod longissimum spatium senescendorum hominum id putarunt*. Another fragment of Varro (Censorinus *de die natali* 17.14) makes the same claim without the etymological argument; instead, he relies on a physiological argument about the size of the human heart.
33. Censorinus *de die natali* 17.8 = GRF fr. 70: *tum Varro de scenicis originibus libro primo ita scriptum reliquit: cum multa portenta fierent, et murus ac turris, quae sunt inter portam Collinam et Esquilinam, de caelo tacta essent, et ideo libros Sibyllinos XV viri adissent, renuntiarunt, uti Diti patri et Proserpinae ludi Tarentini in campo Martio fierent tribus noctibus, et hostiae furvae immolarentur, utique ludi centesimo quoque anno fierent*. See also Valerius Antias FRHist 25 fr. 22, fr. 26, fr. 64. Weiss (1973) suggests that Varro himself fixed a previously independent phenomenon of *Ludi Tarentini* into the mold of centennial *Ludi Saeculares*, though the earlier Valerius Antias may have been more influential in the translation of one festival into another.
34. For the role of Ateius Capito as *exegete* for the rite (a Greek sacral term, denoting authoritative expert), see Zosimus 2.4.2; cf. Horsfall (1974).
35. For the supposed series of *Ludi Saeculares* on the 110-year cycle, see Censorinus 17.10–11; the Augustan/Ateian dates were marked on the *Fasti Capitolini*. For the extent of this learned intervention, see Nilsson in *RE* 1A 1710 s.v. *Saeculares Ludi*, Coarelli (1993) 215–216; Cooley (2006) 234–235.
36. Some documentation: the concern for origins is demonstrated by the interest in first performances and the convenient correlation between years of Secular Games and Valerian consuls, which could be understood in terms of the Valerian foundation myth (recounted in Valerius Maximus 2.4.5); the publication of a religious text is clear from the appearance of the Sibylline Oracle that authorized the Augustan Secular Games in Phlegon of Tralles (*FrGH* 257 F 37.132–169)—whatever the precise details of transmission—analogue to the production of laws of Numa, Salian Hymn and *Annales Maximi*.
37. Nilsson in *RE* 2.2 1717–1718 s.v. *Saeculares Ludi*, Gagé (1934) 83–89, Pighi (1965) 76–78, Alvarez Cineira (1999) 42–47, and Osgood (2011) 151–153.
38. Suet. *Claud.* 21.3; Tac. *Ann.* 11.11.
39. Suetonius (*Claud.* 21.2). See also Tacitus (*Ann.* 11.11) and Zosimus (2.4.3). Pace the ingenuity of Hirschfeld (1913) 442–443 and Momigliano (1962) 89–90 n. 14.

40. Suet. *Claud.* 21.2: *Quare vox praeconis irrisa est invitantis more sollemni ad ludos, quos nec spectasset quisquam nec spectaturus esset, cum superessent adhuc qui spectaverant, et quidam histrionum producti olim tunc quoque producerentur;* Suet. *Vit.* 2.5: *Huius [L. Vitelli] et illa vox est: "Saepe facias," cum saeculares ludos edenti Claudio gratularetur;* Plin. *N.H.* 7.159: *minus miror Stephanionem . . . utriusque saecularibus ludis saltavisse, Divi Augusti et quos Claudius Caesar consulatu suo quarto fecit.*
41. Suet. *Claud.* 21.2.
42. On the performances of the games by these emperors, see Nilsson *RE* 2.2 1718–1719 s.v. *Saeculares Ludi* and Pighi (1965) 26–29 and 79–103. On the Domitianic Games, see Sobocinski (2006); on the Severan edition, see Barnes (2008) 259–266.
43. Suet. *Dom.* 4.3: *Fecit et ludos saeculares, computata ratione temporum ad annum non quo Claudius proxime, sed quo olim Augustus ediderat; in iis circensium die, quo facilius centum missus peragerentur, singulos e septenis spatiis ad quina corripuit.* For the 110-year *saeculum* in the Severan *Acta*, see CIL 6.32326 l.20.
44. LTUR 4.97–105 s.v. *pomerium* (Andreussi) provides full discussion of ancient evidence and modern interpretations of the *pomerium*.
45. Varro *De L. L.* 5.143–4: *post murum > postmoerium > pomerium*. See Antaya (1980) for the difficulties with this etymology and Mignone (forthcoming) on the fuzziness of late Republican writers about the original meaning of the *pomerium*.
46. Aulus Gellius *NA* 13.14. This chapter quotes directly from Valerius Messalla, writing in the 50s or 40s BCE, and *augures populi Romani, qui libros de auspiciis scripserunt*. It seems likely that the whole is based on Messalla and that he already knew the principle of pomerial expansion as related to imperial expansion: fr. 3 (Bremer).
47. Livy 1.44.
48. Tac. *Ann.* 12.23; Aulus Gellius *NA* 13.14.7; see LTUR 4.102 s.v. *pomerium* for findspots and texts of the Claudian *cippi* (which use the reverse digammas for consonantal “v”).
49. Tac. *Ann.* 12.23–24. Hahn (1933) 56 raised the possibility, revived by Syme (1958) 705. Boatwright (1984) and (1986) argued the case more extensively, including the probable Claudian fabrication of an Augustan extension; Griffin (1990) 484 calls this the majority opinion and provides parallel cases for Tacitean use of Claudius’s speeches as a source. Momigliano (1961) 56–57 objects but presupposes Claudius’s historical accuracy.
50. ILS 244: *utique ei fines pomerii proferre promovere cum ex re publica censebit esse liceat ita uti licuit Ti(berio) Claudio Caesari Aug(usto) Germanico.*
51. ILS 248: *[Imp(erator) Caesar Vespasianus Aug(ustus) pont(ifex) m]ax(imus) trib(unicia) pot(estate) VI im[p(erator) XIV] p(ater) p(atriciae) censor co(n)s(ul) VI desig(natus) V[II et] T(itus) Caesar Aug(usti) f(ilius) Vespasianus imp(erator) VI<II> pont(ifex) trib(unicia) pot(estate) IV censor co(n)s(ul) IV desig(natus) V auctis p(opuli) R(omani) finibus pomerium ampliaverunt terminaveruntq(ue).*

52. ILS 311: *Ex s(enatus) c(onsulto) collegium augurum auctore Imp(eratore) Caesare divi Traiani Parthici f(ilio) divi Nervae nepote Traiano Hadriano Aug(usto) pont(ifice) max(imo) trib(unicia) pot(estate) V co(n)s(ule) III proco(n)s(ule) terminos pomerii restituendos curavit.*
53. See Horster (2003) for sharp observations on the social identities of imperial technical writers.
54. Suet. *Gram.* 17. For commentary on this passage, see Kaster (1995) ad loc. and Pieroni (2004) 12–15. Verrius Flaccus has begun to receive renewed scholarly attention in the last decade: see the work of Pieroni (2004), Lhommé (2007) and (2009), and the Festus Lexicon Project, based at UCL Glinister (2007) and North (2007b), (2008). I have relied on the current wave of Festus scholarship (particularly the work of Glinister and Lhommé); there are many technical problems that still remain controversial.
55. The *On the Meaning of Words* has an important place in the history of Latin lexicography, but it is not a dictionary so much as a collection of all kinds of learned information about Roman culture; for a thoughtful consideration of this issue, see Pieroni (2004) 15 and Glinister (2007).
56. For this number and the religious entries in the *On the Meaning of Words*, see Lhommé (2009). Lhommé suggests that there is a lack of “Augustan” content in these entries; this mistakes the discursive priorities of civil theology: to construct Roman religion as a primordial object, not to reflect faithfully contemporary practice. See also Grandazzi (1993).
57. Festus 178 L s.v. *numen*; 81 L s.v. *Feretrius*; 129 L s.v. *Mulciber*; 146 L s.v. *Manes*.
58. Festus 310–312 L; Lhommé (2009) 152 (see also the list of Festus entries pertaining to religious architecture on 150–152).
59. The absence of citation of post-Augustan authors is a good sign that this is Verrius’s habit, not Festus’.
60. For this pattern of citation, see Lhommé (2007) 33–34 and the convenient tabulation on 41–42. North (2007b) focuses on citation of literary texts. Bona (1964) represents an earlier approach that used the named references to assign sources for the lemmata without named attribution.
61. Glinister (2007) 13–14 lists nineteen citations in Festus of Varro.
62. Nettleship (1880), Reitzenstein (1887), and Kriegshammer (1903).
63. Glinister (2007) and Lhommé (2007).
64. Festus 200 L: *pontifex maximus, quod iudex atque arbiter habetur rerum divinarum humanarumque*. Cf. the phrasing on the *lex de imperio Vespasiani* (ILS 244): *utique quaecunque ex usus rei publicae maiestate divinarum huma(na)rum publicarum privatarumque rerum esse censebit ei agere facere ius potestasque sit.*
65. Lhommé (2009) 152–153.
66. Degraffi’s modern edition of the text is *Inscr. Ital.* 13.2 107–145, with commentary. See also Suet. *Gram.* 17: *statuam habet Praeneste in superiore fori parte circa hemicyclium in quo fastos a se ordinatos et marmoreo parieti incisos*

- publicarat*. For general discussion of the monument and text in the wider context of inscribed calendars, see Rüpke (1995) 114–123.
67. Beard (1987) is a fundamental study of the cultural meaning of the Roman calendar.
 68. The exact nature of how this authorship worked is debated: Mommsen thought that the inscribed text represented extracts from a written work by Verrius, rather than a special composition (CIL 1² p. 285).
 69. *Inscr. Ital.* 13.2 127: [Aprilis a] V[e]n[e]r[e] quod ea cum [Anchisa iuncta mater fuit Aene]ae, regis [Latinor]um, a quo p[opu]lus R[omanus] ortus e[st]. Alii ab ape[ri]ri[li] q[uod]am i[n] m[en]se, quia fruges, flores animaliaque ac maria et terrae aperiuntur. Cf. Varro *De L. L.* 6.33.
 70. *Inscr. Ital.* 13.2 127: Nobilium mutitationes cenarum solitae sunt frequenter fieri, quod Magna Mater ex libris Sibullinis arcessita locum mutavit ex Phrygia Romam.
 71. *Inscr. Ital.* 13.2 139: Accae Larentin[ae Parentalia fiunt.] Hanc alii Remi et Rom[uli nutricem, alii] meretricem, Herculis scortum, [fuisse dic]unt. Fuller versions of the same narrative are found in Plut. *Quaest. Rom.* 35; Varro *ARD fr.* 220 (Cardauns) = August. *de civ. D.* 6.7.
 72. *Inscr. Ital.* 13.2 123: C VIII [q(uando) r(ex)] c[omitavit] f(as). hunc diem plerique perperam int[e]rpr[et]antes putant appellari, quod eo die ex Comitio fugerit [rex; n]am neque Tarquinius abiit Comitio [in exilium] et alio quoque mense eadem sunt [idemque s]ignificant. Qu[are sacris peractis iudici]a fi[er]i indica[ri iis magis pu-]tamus]. May 24 also was marked as QRCF. Cf. Varro *De L. L.* 6.31 on Quando Rex Comitavit Fas.
 73. See Feeney (2007a) 184–189 for the Augustan history of the Roman *Fasti*.
 74. Barcaro (2009) catalogues and studies this material on the *Fasti Praenestini* extensively, demonstrating that it matches other Augustan documents, notably the *Res Gestae*, in terms of historiographic priorities.
 75. Wallace-Hadrill (1987) 225–227 interprets the *Fasti Praenestini* in a similar way to my argument here; there is also a third, more muted local Praenestine element in the text, including local festivals and sacrifices for the *princeps* (see Rüpke (1995) 121–122; Cooley (2006) 238–239; Wallace-Hadrill (2008) 246).
 76. Frier (1979) 36–37; Glinister (2007). Verrius, then, belongs in the world sketched recently by Mouritsen (2011), with an emphasis on the dependence of a freedman on his patron and doubts about the idea of “independent” freedmen.
 77. See Pliny *Ep.* 7.29, 8.6 on Pallas; Seneca *Ad Polybium* for Polybius. For the wider social implications of the public (self-)representation of imperial freedmen as defined by relationships with the emperor, see MacLean (2012).
 78. *E.g.* AE 1916, 64; NSc 1892, 480 #1. I owe these examples to MacLean (2012). For the general tendency of imperial freedmen to self-identify in terms of relationships with the emperor, see Weaver (1972) 42–86.
 79. Tac. *Ann.* 3.70: *Capito . . . humani divinique iuris sciens*. Capito’s relationship with Augustus and his works on sacral law are discussed by Bauman (1989)

- 31–35. His ties to the new monarchy earned Capito Syme’s censure: “New men [including Ateius Capito] thrusting forward to wealth and honours were avid, unscrupulous, obsequious, if nothing worse”: Syme (1958) 581.
80. Strzelecki (1967) collects the fragments of Capito.
81. Beard, North, and Price (1998) 193–194; Scheid (1999a) 13–15.
82. Ateius Capito fr. 13 (Strzelecki) = Plut. *Quaest. Rom.* 50.
83. Tac. *Ann.* 3.71.2; 4.16.3.
84. Suet. *Aug.* 31.3.
85. Aulus Gellius NA. 1.12.1–8 = Ateius Capito fr. 14 (Strzelecki).
86. Tac. *Ann.* 3.75: *obsequium dominantibus*.
87. This anecdote is preserved by Suet. *Gram.* 22.2 and Cass. Dio 57.17 with slight differences but identical punch lines.
88. Gunderson (2009), with a focus on Aulus Gellius, is an essay that touches on this “imperial theme” of the implication of monarchic and intellectual authority in the early and high empire.
89. MacLean (2012); conversations with Prof. Rose MacLean encouraged me to think harder about Verrius Flaccus as a freedman.
90. See Syme (1939), with the analysis by Galsterer (1990).
91. Roller (2001).
92. The fragments: Bremer (1896) 2 (pt.1).9–81.
93. See Horsfall (1974) and Bauman (1989) 25–55 on Labeo’s relationship to Augustus.
94. Labeo on Augustus’s censorship: Dio 54.15.7; Tacitus on Augustus’s punishment: *Ann.* 3.75.
95. Aulus Gellius NA 13.12.1–2: *libertas quaedam nimia atque uecors*. Tacitus also associates Labeo with *libertas (incorrupta)* at *Ann.* 3.75. Cf. Momigliano (1950) 289 and Schiavone (2012) 311–337.
96. The story is told by Tacitus in two parts, Cornelius Lentulus Maluginensis’s case (*Ann.* 3.58) and Tiberius’s response (*Ann.* 3.71), in part to emphasize Tiberius’s proclivity for delay.
97. For Maluginensis’s biography, see Rüpke (2008) 638.
98. Tac. *Ann.* 3.58: *frustra vulgatum dictitans non licere Dialibus egredi Italia neque aliud ius suum quam Martialium Quirinaliumque flaminum: porro, si hi duxissent provincias, cur Dialibus id vetitum? nulla de eo populi scita, non in libris caerimoniarum reperiri*. See Woodman and Martin (1996) ad loc. for the argument and the meaning of *libri caerimoniarum*.
99. The post-Augustan fall-off of learned treatises on Roman religion is noted by Beard, North, and Price (1998) 181. There appear to have been a few exceptions: the late-Augustan and early-Tiberian writer Fenestella—see fr. 17 (Accornero) = FRHist 70 F 19: *diligentissimus scriptor de quindecimviris* with the commentary in Accornero (1978), though note Drummond’s suggestion in Cornell et al. (2013) 3.582–583 that this fragment belongs to Fenestella’s *Annales*—and Masurius Sabinus, the successor to the jurisprudential “school” of Ateius Capito: see fragments in Bremer (1896) vol. 2 pt. 1

- of *libri fastorum*, *de indigenis*, and *memorialium libri* (all touching on civil theology).
100. Griffin (1962), (1976) 317–321, and G. Williams (2003) 18–25 provide guides to the *De Brevitate Vitae*. The date of the text is uncertain: Griffin defends a date of the early 50s, with a preference for 55; dates as early as 48/49 (Abel [1967] 162–163) and as late as 62 have been proposed. My reading of the text as directly critical of Claudius supports the date of 55.
 101. See Motto and Clark (1978) for the Senecan position on good versus bad leisure (*otium*) in the *Dialogi* and *Epistulae*.
 102. Sen. *Dial.* 10.13.
 103. Sen. *Dial.* 10.13.8: *Sullam ultimum Romanorum protulisse pomerium, quod numquam prouinciali sed Italico agro adquisito proferre moris apud antiquos fuit. Hoc scire magis prodest quam Auentinum montem extra pomerium esse, ut ille adfirmabat, propter alteram ex duabus causis, aut quod plebs eo secessisset, aut quod Remo auspicante illo loco aues non addixissent.* See now Mignone (forthcoming) for why the Aventine hill did lie outside the *pomerium*.
 104. Dessau (1918) 188–193; Herrmann (1937) 109–111, (1948); Griffin (1962) 107–111, (1976) 401–406; Giardina (1997); and G. Williams (2003) 207–208.
 105. Griffin (1962) 111 n. 79 notes the verbal reminiscence of Cremutius Cordus’s verdict on Cassius (Tac. *Ann.* 4.35).
 106. This is the argument of Giardina (1997).
 107. G. Williams (2003) 208.
 108. Concern for the history of the Claudians: Tac. *Ann.* 11.24, Suet. *Claud.* 39.2—transferred, as Griffin (1990) 488 remarks, to *periti* in Tac. 12.25; obsession with historical (especially Republican) precedent: Momigliano (1962), Levick (1978), Huzar (1984), and Griffin (1990); “excessive” interest in gladiatorial games: Suet. *Claud.* 21.5, 34 and Wiedemann (1992) 173–174.
 109. See André (1983), Setaioli (2007) and Algra (2009) for the *On Superstition* in the wider context of Seneca’s theological ideas.
 110. The other (two) fragments come from Tertullian and from a late antique grammarian, Diomedes. Rutilius Namantianus (*De Red.* 1.397–398) was familiar with the fragment against the Jews but may well have read this fragment in Augustine: cf. Cameron (2011) 209–210.
 111. Sen. fr. 36 (Haase). This idea that “superstition” is excessive worship of the gods is a familiar trope in philosophical texts (e.g., Theophr. *Char.* 16; Plut. *Mor.* 164e–171f). The unusual element here is the criticism of central polyadic cult. See Bowden (2008) and Rüpke (2011a) 49–76 for discussion of this discourse.
 112. August. *De Civ. D.* 6.10=Sen. fr. 33 (Haase): *Et ad hoc respondens: “Quid ergo tandem, inquit, ueriora tibi uidentur Titi Tatii aut Romuli aut Tulli Hostilii somnia? Cluacinam Tattius dedicauit deam, Picum Tiberinumque Romulus, Hostilius Paurem atque Pallorem taeterrimos hominum affectus, quorum alter mentis territae*

motus est, alter corporis ne morbus quidem, sed color. Haec numina potius credes et caelo recipies?"

113. Algra (2009) 242 comments on the dependence of Seneca's *On Superstition* on Varro's *Antiquities* but does not mention the apparent polemic contained within this dependence.
114. Varro *ARD* frs. 35, 36 (Cardauns) = August. *De Civ. D.* 4.23.
115. Varro *Curio de cultu deorum* fr. 4 (Cardauns).
116. Other passages in the *Letter*, such as *Ep.* 95.48, also seem to coincide with and support our reading of the fragments of the *On Superstition*.
117. *Ep.* 108. 31: *Praeterea notat eum quem nos dictatorem dicimus et in historiis ita nominari legimus apud antiquos "magistrum populi" vocatum. Hodieque id extat in auguralibus libris . . . Aequae notat Romulum perisse solis defectione . . . provocationem ad populum etiam a regibus fuisse; id ita in pontificalibus libris et aliqui putant et Fenestella*. Seneca may name Fenestella here as the source for all these details; certainly, this writer engaged with civil theology. On Fenestella, see above in notes.
118. *Ep.* 90.28.
119. Varro *ARD* fr. 33 (Cardauns) = Tert. *Ad Nat.* 2.8.6, *Apol.* 24.8.
120. Habinek (2000) and M. Roller (2001), following Shaw (1985), who sketches the *longue durée* history of Stoicism as a tool for the Greco-Roman elite to negotiate political change.
121. I have mostly followed Gibson (2006) for the text and translation. I differ from him in the spelling of *Chalcidicum* and the need for a lacuna after 182 and prefer to take *cui* there as an interrogative pronoun.
122. For this passage, see Gibson (2006) 333–340. The *Phrygius flamen* has sometimes been understood as a *Gallus* of Cybele—Cancik (1973) 186 and Shackleton Bailey (2003) 363 n. 47—but this is untenable: the passage records the teaching of civil theology, and the reference is to one of the traditional *flamines*, who had to be patricians (and so "Trojan").
123. See Holford-Strevens (2000) and McNelis (2002) on Statius's father, his syllabus, and his social position. Both articles focus on the Greek literature taught by Papinius Statius the Elder. For the possibility that Domitian was a pupil of Statius the Elder, see Hardie (1983) 11 and Gibson (2006) 334–335 with earlier bibliography.
124. Cancik (1973) also notes the significance of the religious instruction, though he probably goes too far in his comparison with Hellenistic Jewish and early Christian religious instruction.
125. CIL 6. 8878 = ILS 1685: Ti. Aelius Titianus is named as *proximus a libris sacerdotilibus*. See Rüpke (2008) #487.
126. Aulus Gellius *NA* pr. 13. See Stevenson (2004) and Gunderson (2009) for Gellius in the context of "antiquarianism."
127. Macrobian *Sat.* 3.10.2: "*et nos,*" inquit, "*manum ferulae aliquando subduximus, et nos cepimus pontificii iuris auditum.*"

128. Jones (2014) 154, *contra* Kaster (2011) 1.xxii and Cameron (2011) 271–272. It was, in other words, part of the component of imperial education that Marrou (1958) calls “erudition.”

6. Paper Pagans

1. Tert. *Ad Nat.* 2.1.8: *quoniam maior in huiusmodi penes uos auctoritas l<i>terarum quam rerum est*. In this chapter, I consciously use “paganism” to refer to the religious “other” to Christianity; very few worshippers of the traditional gods would have recognized themselves as “pagans” and there was no objective “paganism.” See Cameron (2011) 14–32, Jones (2012), and Boin (2014) for the long modern debate around the origin and the appropriateness of this term, with earlier bibliography.
2. August. *De Civ. D.* 6.2: *Quis Marco Varrone curiosius ista quaesivit? Quis invenit doctius? Quis consideravit adtentius? Quis distinxit acutius? Quis diligentius plenusque conscripsit?*
3. On Varro as a straw man for Augustine, Hagendahl (1967) 608 writes that Augustine’s use of the *Divine Antiquities* gave his critique an “air of unreality” and an “out-of-date nature”; see also Bickel (1938). The quotation is from Brown (1982) 92.
4. See the title of Veyne (2010) for “when our world became Christian.” The historical process of Christianization in the Roman Empire was incredibly complex and the bibliography is correspondingly huge. See Brown (1995), Bowes (2008) Cameron (2011), and Jones (2014) for orientation and recent work.
5. The textuality of early Christianity is a classic topic for scholarship: see Harnack (1908) 1.279–289. See the recent, nuanced work by Grafton and Williams (2006), Stroumsa (2008) and (2009), and Haines-Eitzen (2009), who all understand Christianity as a dynamic “textual community” formed around biblical texts but not sustained by their reading alone.
6. There is no full account of the presence of Varro in early Christian literature, though there are suggestive comments by Waszink (1979) and Jocelyn (1982) 152.
7. See Rüpke (2014a) 215–218 on the reading of Cicero’s *On the Nature of the Gods* in Minucius Felix’s *Octavius*; see Champeaux (1994) on Varro and Cicero in Arnobius; see Turcan (1982) 53 for *On the Nature of the Gods* in Firmicus Maternus’s *On the Error of Profane Religions*.
8. See Jagielski (1912) 6–52, Ogilvie (1978) 50–72, and Roots (1987) for Cicero and Varro in Lactantius’s writings.
9. Clem. *Protr.* 4.
10. Jerome, *On Illustrious Men* 53. See Barnes (1971) for a radical modern reconsideration.
11. See Barnes (1971), Sider (1971), Fredouille (1973), and Dunn (2004) on Tertullian’s education and the question of his legal knowledge. On Roman

religion in the works of Tertullian, see Ames (2007). For the social context of Christianity in North Africa as seen in Tertullian's writings, see now Rebillard (2012a) ch. 1.

12. The title *To the Nations* (*Ad Nationes*) is uncertain. The text is only preserved in a single manuscript, the Agobardinus (Par. Lat. 1622; available online at <http://gallica.bnf.fr/ark:/12148/btv1b85722380>), and the beginning of the first book is missing. It has often been assumed that the work is “unfinished,” on the assumption that the *Apology* (*Apologeticum*), which reuses much of the material, is the more developed “final product.” For the date, title, and transmission, see Schneider (1968), a full commentary on book one. I have used the text edited by Borleffs (1929).
13. See, for example, Barnes (1971) 106: “Tertullian revealed good judgement if he left the *Ad Nationes* unfinished.” See also Becker (1954) 58–71 for “Zeichen innerer Unfertigkeit.”
14. Tert. *Ad Nat.* 1.9 (natural disasters); 1.11 (worship of an ass); 1.12 (staurology); 1.15 (child sacrifice); 1.16 (incest). For commentary, see Schneider (1968). See Becker (1954) 71–88 for the dependence on Greek apology.
15. See Haidenthaller (1942) for a commentary on the second book of the *To the Nations*.
16. Tert. *Ad Nat.* 2.1.7: *Aduersus haec igitur nobis negotium est, aduersus institutiones maiorum, auctoritates receptorum, leges dominantium, argumentationes prudentium; aduersus uetustatem, consuetudinem, necessitatem; aduersus exempla, prodigia, miracula, quae omnia adulterinam istam diuinitatem [istam] corroborauerunt.*
17. Tert. *Ad Nat.* 2.1.8: *quoniam maior in huiusmodi penes uos auctoritas [et] rerum quam rerum est, elegi ad compendium Varronis opera, qui, Rerum Diuinarum ex omnibus retro digestis commentatus, idoneum se nobis scopum et posuit.*
18. Tert. *Ad Nat.* 2.8.6: *uel quos Varro ponit: Casiniensium Deluentinum, Narnensium Visidianum, Atinensium Numiternum, Asculanorum Anchariam . . .*
19. See Chapter 5. Fredouille (1973) 82–83 also suggests the parallel with Stoic thought on this point.
20. Pace North (2014a) 245, who suggests that Tertullian's failure to understand Varro's tripartite theology reflects a widespread imperial misunderstanding of Varro's *Divine Antiquities*.
21. On Christianity as a “barbarian philosophy,” see Tatian *Or.* 35.1 (cf. Justin Martyr 2 *Apol.* 13); for Christians as a third race, see Aristides *Apol.* 2 (cf. Melito's *Apology*—Euseb. *Hist. Eccles.* 4.26.7—and *Martyrdom of Polycarp* 17.1). Modern bibliography: on Christianity as barbarian philosophy, see Waszink (1963), Stroumsa (1996), and Schott (2008) 15–51; on Christianity as a “third race,” see Harnack (1908) 1.240–265, Lieu (1995), and Buell (2005). For Tertullian's rejection of philosophy, which is not limited to his *On the Nations*, see Fredouille (1973) 301–317 and Dunn (2004) 21–23; he objects to the “third race” idea also in *Scorp.* 10.

22. Tert. *Ad Nat.* 2.9.3: *si enim dei ut bulbi seliguntur, qui non seliguntur, <repr>obi pronuntiantur.*
23. After *Ad Nat.* 2.9.3, Varro is certainly mentioned at 2.12.5. An early editor—Gothofredus—supplemented a lacuna in the text at 2.13.1 with Varro's name, but the damage to this page (32^r) in the Agobardinus is significant.
24. Wilhite (2007) 65, 74. See also Rüpke (2014a) 223.
25. See Crawley Quinn and Wilson (2013), esp. 150–167, on North African *Capitolia*.
26. August. *De Civ. D.* 7.1: *Qua in re non dico quod facetius ait Tertullianus fortasse quam uerius: Si dii eliguntur ut bulbi, utique ceteri reprobi iudicantur.* See Chapot (1999) for a wider consideration of Augustine's response to Tertullian and his work. I have used the Dombart and Kalb CSEL text of *De Civ. D.* Brown (2000), Lancel (2002), and O'Donnell (2005) give different impressions of Augustine's biography and context. The bibliography on the *City of God* alone is staggering, and I cite selectively and with a bias toward recent literature; O'Daly (1999) provides a guide to the work and scholarship on the work.
27. See Barnes (1982), Brown (2000) 297–329, and O'Daly (1999) 27–36 on the occasion and pace of composition of the *City of God*.
28. Matthews (1975) ch. 11 provides a political and military narrative of the events that led to the sack of Rome in 410. Shaw (2011) 195–259 discusses imperial laws and violence between pagans and Christians in North Africa in the 390s and 400s.
29. Lepelley (1979) demonstrates copiously the continuities in late antique North African civic life. See Rebillard (2012b) for a sketch of the persistence and variety of non-Christian identities in Augustine's North Africa.
30. August. *Retract.* 2.69.
31. For this criticism of the *tempora Christiana*, see August. *Serm.* 113A.11: *Invenimus homines inter istas pressuras murmurare, et dicere: Ecce temporibus Christianis quanta mala sunt! Ante tempora Christiana quanta bona abundabant! Non erant tanta mala;* and *De Civ. D.* 1.15: *Quod si non timent, tale ergo aliquid, quale accidit Regulo, etiam civitati tam diligenter quam ille deos colenti accidere potuisse fateantur et Christianis temporibus non calumnientur.* Cf. *Serm.* 346C.1: *Et invenis homines murmurare de temporibus suis, et quod illa tempora bona fuerint parentum nostrorum.* See Markus (1988) 22–44.
32. August. *De Civ. D.* 1.prae.: *Gloriosissimam civitatem Dei sive in hoc temporum cursu, cum inter impios peregrinatur ex fide vivens, sive in illa stabilitate sedis aeternae, quam nunc expectat per patientiam, quoadusque iustitia convertatur in iudicium, deinceps adeptura per excellentiam victoria ultima et pace perfecta, hoc opere instituto et mea ad te promissione debito defendere adversus eos, qui conditori eius deos suos praeferunt, fili carissime Marcelline, suscepi, magnum opus et arduum, sed Deus adiutor noster est.*
33. August. *De Civ. D.* 1.35: *Perplexae quippe sunt istae duae civitates in hoc saeculo invicemque permixtae, donec ultimo iudicio dirimantur.* My reading of the

meaning of the *saeculum* is indebted to Markus (1988). Markus has been criticized for his implication of the possibility of a pluralistic secularism, founded on the thought of Augustine; see Wetzel (2012) 4 n. 7 for the critics. See O'Donnell (1979) for the idea that the *City of God* is aimed at Donatist and Manichaean claims of ecclesiological perfectionism.

34. See Hagendahl (1967) 601–617, Lieberg (1972), Fortin (1980), Maslakov (1983), O'Daly (1996), and Burns (2001) for overviews of Varro's *Divine Antiquities* in the *City of God*.
35. August. *De Civ. D.* 4.1.
36. August. *De Civ. D.* 3.4: *Nam et vir doctissimus eorum Varro falsa haec esse, quamvis non audacter neque fidenter, paene tamen fatetur. Sed utile esse civitatibus dicit, ut se viri fortes, etiamsi falsum sit, diis genitos esse credant, ut eo modo animus humanus velut divinae stirpis fiduciam gerens res magnas adgrediendas praesumat audacius, agat vehementius et ob hoc impleat ipsa securitate felicius. Quae Varronis sententia expressa, ut potui, meis verbis cernis quam latum locum aperiatur falsitati, ut ibi intellegamus plura iam sacra et quasi religiosa potuisse confingi, ubi putata sunt civibus etiam de ipsis diis prodesse mendacia.*
37. August. *De Civ. D.* 4.22.
38. August. *De Civ. D.* 4.31.
39. The reception of classical authors in the first pentad of the *City of God* has been well studied in recent years: see Pennisi (1996), MacCormack (1998) 156–224, and Tornau (2006) 226–251 on Virgil; Marin (1996), Burns (1999), and Tornau (2006) 204–226 on Sallust; Conybeare (1999) on Livy.
40. August. *De Civ. D.* 6.1: *Nunc ergo quoniam deinceps, ut promissus ordo expetit, etiam hi refellendi et docendi sunt, qui non propter istam vitam, sed propter illam, quae post mortem futura est, deos gentium, quos christiana religio destruit, colendos esse contendunt.* See O'Daly (1999) 109 and Walsh (2010) 1–2 on the lack of coherence of this stated aim with the contents of books six and seven. Guy (1961) 50, in a work on the “unity” of the work, slides past the problem. Orlandi (1968) suggests that Augustine originally assumed, on the basis of secondhand knowledge, that Varro was a philosopher—it was only when he came to read the *Antiquities* in full that he understood Varro's project.
41. See August. *Ep.* 184A.3: *Decem volumina non parva confeci, quorum priora quinque illos redarguunt, qui propter adipiscendam vel retinendam humanarum rerum istam terrenam temporalemque felicitatem, non unius summi et veri, sed multorum deorum cultum necessarium esse contendunt. Posteriora vero alia quinque contra illos sunt, qui se adversus salutarem doctrinam tumidi et inflati extollentes, ad beatitudinem, quae post hanc vitam speratur, etiam per daemonum multorumque deorum cultum existimant pervenire. Ubi et nobiles eorum philosophi tribus in his quinque, sed ultimis libris, refelluntur a nobis.*
42. August. *De Civ. D.* 6.2: *in omni eruditione, quam nos saecularem, illi autem liberalem vocant . . . ; 4.1: ita ut vir doctissimus apud eos Varro et gravissimae auctoritatis . . .* This difference is pointed out by Augustine himself, when he dismisses the select-gods-as-onions joke at 7.1.

43. August. *De Civ. D.* 6.8: *Nam et civilis et fabulosa ambae fabulosae sunt ambaeque civiles; ambas inveniet fabulosas, qui vanitates et obscenitates ambarum prudenter inspexerit; ambas civiles, qui scaenicos ludos pertinentes ad fabulosam in deorum civilium festivitatis et in urbium divinis rebus adverterit.*
44. August. *De Civ. D.* 7.4; 7.18; 7.26.
45. August. *De Civ. D.* 7.4: *vix autem selectorum quispiam, qui non in se notam contumeliae insignis acceperit.*
46. August. *De Civ. D.* 6.4: *haec ratio est: Sicut prior est, inquit, pictor quam tabula picta, prior faber quam aedificium: ita priores sunt civitates quam ea, quae a civitatibus instituta sunt.*
47. August. *De Civ. D.* 6.4: *Vera autem religio non a terrena aliqua civitate instituta est, sed plane caelestem ipsa instituit civitatem. Eam vero inspirat et docet verus Deus, dator vitae aeternae, veris cultoribus suis.*
48. Ando (2010) on the different perspectives of Varro (and Cicero) and Augustine on this point.
49. August. *De Civ. D.* 6.9.
50. For the transformation of sexuality, see Harper (2013), who contrasts the difference between the sacralized and shared sexuality of the early Empire with the austere, anxious sexuality of the early Christians.
51. August. *De Civ. D.* 7.26: *Defecit interpretatio, erubuit ratio, conticuit oratio.*
52. Rituals for Liber: 7.21; the Galli: 6.7 and 7.24–25; theatrical performances: 4.1 and throughout book six.
53. August. *De Civ. D.* 7.27: *Si autem stoliditate vel monstrositate simulacrorum, sacrificiis homicidiorum, coronatione virilium pudendorum, mercede stuprorum, sectione membrorum, abscissione genitalium, consecratione mollium, festis impurorum obscenorumque ludorum unum verum Deum, id est omnis animae corporisque Creatorem, colere se quisque contendat: non ideo peccat, quia non est colendus quem colit, sed quia colendum non ut colendus est colit.*
54. August. *De Civ. D.* 7.27: *bis peccat in Deum, quod et pro ipso colit, quod non est ipse, et talibus rebus colit, qualibus nec ipse colendus est nec non ipse.*
55. Augustine lays out this position at *De Civ. D.* 7.29–7.33.
56. August. *De Civ. D.* 7.33: *Per hanc ergo religionem unam et veram potuit aperiri deos gentium esse inmundissimos daemones, sub defunctorum occasionibus animarum vel creaturarum specie mundanarum deos se putari cupientes et quasi divinis honoribus eisdemque scelestis ac turpibus rebus superba impuritate laetantes atque ad verum Deum conversionem humanis animis invidentes.*
57. August. *De Civ. D.* 7.33: *Quorum sacra Varro dum quasi ad naturales rationes referre conatur, quaerens honestare res turpes, quo modo his quadret et consonet non potest invenire, quoniam non sunt ipsae illorum sacrorum causae, quas putat vel potius vult putari.*
58. Interpretations of the books of Numa passage have often overlooked the place of the passage in Augustine's argument at the end of book seven:

- note Willi (1998) 141 who, in an otherwise excellent study of the passage, is “amazed” that the book does not end at 7.33. Conversely, interpretations of book seven ignore this passage: see, for example, Guy (1961) 55–61. Vessey (2012) 21–22 is now an exception.
59. Brown (2000) 303–304; Barnes (1982) 75–76; Burns (2001). See Vessey (2014) for a bold statement of Varro’s continued significance in late antiquity.
 60. Cameron (2011) 620–624. Cameron suggests that “*nobody* was actually reading him anymore (Cameron’s italics)” (620) but that he continued to function as a symbol of classical literary culture.
 61. See also the suggestion by Tornau (2006) 125 that the opponents in the *City of God* should not be understood in extra-textual terms but in terms of Augustine’s own intellectual project. He does not treat Augustine’s use of Varro’s *Divine Antiquities*.
 62. See Humfress (2012) for an overview of Augustine “in combat”; most of the studies of Augustine’s controversialist habit focus on his writings against Donatists, Manichaeans, and Pelagians rather than those which address paganism.
 63. Faller (2001) and Conybeare (2006) 148–162 explore the significance of *Ratio* as interlocutor in this dialogue in the literary and intellectual context of the early Augustine.
 64. See Lim (1995) 88–104 for Augustine’s disputations with Manichaeans (see esp. 104 for the importance of stenography as a technology that enabled the dissemination of these debates).
 65. The debate is recorded in the *De Gestis cum Emerito Donatistarum episcopo* (CSEL 53). See Shaw (2011) 10–13 for the context of the debate with Emeritus.
 66. August. *De Civ. D.* 7.7–8: *Ianus igitur, a quo sumpsit exordium, quaero quisnam sit. Respondetur: Mundus est. Brevis haec plane est atque aperta responsio. Cur ergo ad eum dicuntur rerum initia pertinere, fines vero ad alterum, quem Terminum vocant? . . . Sed iam bifrontis simulacri interpretatio proferatur. Duas eum facies ante et retro habere dicunt, quod hiatus noster, cum os aperimus, mundo similis videatur; unde et palatum Graeci οὐρανὸν appellant, et nonnulli, inquit, poetae Latini caelum vocaverunt palatum, a quo hiatu oris et foras esse aditum ad dentes versus et introrsus ad fauces. Ecce quo perductus est mundus propter palati nostri vocabulum vel Graecum vel poeticum. Quid autem hoc ad animam, quid ad vitam aeternam?*
 67. See Tornau (2006) on Augustine’s forensic technique in the *City of God*, especially 119–123 for use of apostrophe.
 68. August. *De Civ. D.* 6.6: *O Marce Varro, cum sis homo omnium acutissimus et sine ulla dubitatione doctissimus, sed tamen homo, non Deus; De Civ. D.* 7.5: *Sed, o homo acutissime, num in istis doctrinae misteriis illam prudentiam perdidisti . . . ?* See also *De Civ. D.* 7.22.

69. August. *De Civ. D.* 6.2=Cic. *Acad. post.* 1.9: *Nam nos in nostra urbe peregrinantes errantesque tamquam hospites tui libri quasi domum deduxerunt, ut possemus aliquando qui et ubi essemus agnoscere.*
70. See Griffiths (2012) 51–54 for the importance of *peregrinatio* to Augustine's Christian political thought.
71. August. *De Civ. D.* 6.9.
72. Romulus's Asylum as premonition for the remission of sins: *De Civ. D.* 5.17 (cf. 2.29); Roman devotion to *patria* as a model: *De Civ. D.* 5.16. See Hawkins (1975) on counterpoint in the *De Civ. D.*
73. Vessey (2012) 22–23, quotation at 23. Vessey's work on the formation of a Christian literature at the end of the fourth century has heavily influenced what follows.
74. G. Clark (2007) and Vessey (2012) have demonstrated the centrality of the book to the *City of God*.
75. The letter to Firmus (*Ep.* 1*) is most explicit about Augustine's interest in the binding of the work into two codices. There and elsewhere, he is also concerned with the structure of the work in two pentads and three quads: see *De Civ. D.* 4.1–2; 6.*prae*; 11.1; 15.1; 18.54; August. *Retract.* 2.69.
76. August. *De Civ. D.* 6.2: *qui tam multa legit, ut aliquid ei scribere vacuisse miremur; tam multa scripsit, quam multa vix quemquam legere potuisse credamus.*
77. Sid. Apol. *Epist.* 2.9.4: *licet quaequam volumina quorumpiam auctorum servarent in causis disparibus dicendi parilitatem: nam similis scientiae viri, hinc Augustinus hinc Varro, hinc Horatius hinc Prudentius lectitabantur.*
78. Isid. *Etym.* 6.7: *Marcus Terentius Varro apud Latinos innumerabiles libros scripsit . . . Horum tamen omnium studia Augustinus ingenio vel scientia sui vicit. Nam tanta scripsit ut diebus ac noctibus non solum scribere libros eius quisquam, sed nec legere quidem occurrat.* The switching of this idea from *De Civ. D.* 6.2 from Varro to Augustine has a long afterlife: in a letter to Boccaccio from 1355, Petrarch again applied Augustine's words on Varro to Augustine (*Fam.* XVIII 3; see Piras [2007/2008]).
79. August. *De Civ.* 11.1: *Civitatem Dei dicimus, cuius ea Scriptura testis est, quae non fortuitis motibus animorum, sed plane summae dispositione providentiae super omnes omnium gentium litteras, omnia sibi genera ingeniorum humanorum divina excellens auctoritate subiecit.*
80. Vessey (2005), esp. 176 and 208. For the cultural-historical implication of this passage, see the following discussion between Jacques Derrida and Vessey (208–210).
81. August. *De Civ. D.* 7.32: as Fredriksen (2008) demonstrates, this positive understanding of the Jews and their relationship to the Hebrew Bible, formed in Augustine's debate with the Manichaeans, is characteristic of Augustine's mature thought.
82. See, e.g., Stroumsa (2008), (2009), and Woolf (2012).

Conclusion

1. F. Max Müller (1873), quotation at 102. See Girardot (2002), Bosch (2002), and Masuzawa (2003) for the intellectual, social, and religious context of the work of F. Max Müller.
2. F. Max Müller (1879) xl–xli (from the “Program of a Translation of the Sacred Books of the East,” which was the original prospectus for the translation series presented to Oxford University Press).
3. See Masuzawa (2005) on the Western construction of “world religions.” For specific studies, see Almond (1988) on the discovery of Buddhism and Girardot (1999) on the construction of a textual Confucianism.
4. See especially W. C. Smith (1993).
5. For this genealogy, see W. C. Smith (1989). See also Rüpke (2005c) for the descendants of this family in German religious studies.
6. This is the project pursued by Levering (1989)—“Rethinking Scripture”—and Wimbush (2008)—“Theorizing Scripture.” Wimbush understands his project as a “radical excavation” of Scripture (3). See also Graham (2005).
7. See Tworuschka (2000) and the essays in Quack and Luft (2014), especially the introductory essay by Luft (2014).
8. See Wimbush (2008). Wimbush is currently the major figure in anglo-phone study of scripture as a phenomenon, and although his work extends the scope of Scripture beyond text to anything that humans endow with power and meaning, texts still remain at the center of his project: see, for example, the place of the Bible in Wimbush (2012).
9. Assmann (1997) first discussed monotheism in Egypt and Israel; Assmann (2008) 90–105 and (2010) 104–109 discuss the significance of Scripture to “secondary” religions, which he also calls “counter-religions.” Note especially Assmann (2008) 90: “there is not a single monotheistic religion that is not based on a canon of holy writ.”
10. Baumgarten (1998) 225: “hat die griechische Religion den Schritt zur Buchreligion . . . nicht vollzogen.” See also the useful commentary on Baumgarten’s project by R. Parker (2000) and Henrichs (2003a) 209 n. 10. Taking an approach that avoids the teleology of Scripture, Henrichs shows that *hieroi logoi* in Greek religion were most significant as objects of imagination; see also Primavesi (2013) on *hieroi logoi*. In a recent essay, Gehrke (2013) also discusses the absence of holy texts in ancient Greek culture, pointing out the difference between Greek mythological literature and biblical texts (note especially 81–84).
11. Stroumsa (2009).
12. Bell (2008). See also Watts (2013) for a “three-dimensional” model of scripture that captures Bell’s “more.”
13. See Graham (2013) on claims to ontological distinction as a marker of Scripture. The Abrahamic idea of Scripture as divine word that transcends

- even the specific instantiation of holy texts may have an Indian correlate in the Brahmanical conception of Veda; see, for example, Holdrege (1996), on the Torah and Veda, although she underplays the potential of Christian Logos and Islamic Qur'an (403–413).
14. See Graham (1987) on the importance of ritual performance and the recitation of Scripture, and Quack (2014) for an excellent example of the material differentiation of "holy books."
 15. August. *De Civ. D.* 7.34–35. For the ritual disposal of sacred texts as a marker of Scripture, see the essays in Myrvold (2010).
 16. J. Z. Smith (1982) 36–52 provides a brilliant comparative "redescription of canon." See Tworuschka (2000) 3–4 for the centrality of canon for the category of "Scripture."
 17. August. *Conf.* 10.1: *Ecce enim veritatem dilexisti* (Ps. 50.8), *quoniam qui facit eam, venit ad lucem* (John 3.21). *Volo eam facere in corde meo coram te in confessione, in stilo autem meo coram multis testibus.* See Vessey (2005) for the interpretation of this passage in terms of "the question of literature."
 18. For another example, note John Henry Cardinal Newman's lecture titled "Literature" as part of his 1852 *Lectures on University Education Addressed to the Catholics of Dublin* (later published as *The Idea of the University*), a Victorian call to study literature, which is nevertheless careful to distinguish biblical divine inspiration from human subjective expression.
 19. See Jay (2007) and Jasper (2007) for a combined overview of the development of the study of religion and literature and its main trends. For theological hermeneutics, see Jasper (1989) and Knight (2009); for biblical poetics, see the work of Robert Alter and Frank Kermode, especially Kermode (1979), Alter (1981), (1985), and Alter and Kermode (1990). See also Masuzawa (2013) on the American legal-constitutional origins of the "Bible as literature."
 20. See Eagleton (1996) 15–19 for the origins of this idea of (English) literature in the early nineteenth century.
 21. Some examples of monographs taking this historicist approach for English literature: Ryan (1997), Guibbory (1998), Barbour (2002), and Knight and Mason (2006). There are also several journals that publish this kind of work: *Journal of Religion and Literature*, *Literature and Theology*, and *Christianity and Literature*.
 22. Knight and Mason (2006).
 23. Feeney (1998). On similar lines, see also the papers in Barchiesi, Rüpke, and Stephens (2004), Elm von der Osten, Rüpke, and Waldner (2006), and Bendlin and Rüpke (2009).
 24. See Levene (1993), Davies (2004) and (2009), and Feeney (2007b) on Livy's tendentious "Roman religion."
 25. Note Feeney (1998) 11, distinguishing between "books on augury, extispicy, astrology, on thunder-interpretation, priesthoods, and deities native and foreign" and "the texts we call 'literary.'"

26. Varro *ARD* fr. 1 (Cardauns) = Ps. Acro *In Hor. epist.* 1.10.49; this fragment is not certainly part of the proem. See Jocelyn (1982) 171–173 on the possible connotations of this invocation, if we do take it as part of the preface.
27. Folkert (1989) developed this idea of Scripture as vector. It has recently been taken up in Wimbush (2008).

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